

	A:	That Section has a total of 30 possible points. Please see RFP Evaluation/Scoring Worksheet.
223.	Q:	Will submitted proposals become a part public records? Is there a method by which Proposers can protect trade secrets and personal information included in their proposal that could be detrimental if released to the public?
	A:	In general, submitted proposals are not considered public records. The County will comply with applicable laws and statutes regarding public records.
224.	Q:	In both the Cultivator and Retailer RFPs, a scoring category relating to the proposal's "overall approach to operational safety as it relates to employees, customers, businesses, and the community" appears in the scoring rubric twice: first under Local Ownership Program and again under Security Plan. It is relevant to Security Plan since it echoes the prompts at Cultivator Proposal Requirement 10.b.1./Retailer Proposal Requirement 9.b.1., but does not seem relevant to Local Ownership Program. Please confirm that this scoring category is misplaced under Local Ownership Program and whether a different scoring category will replace it.
	A:	Refer to the RFP Addendum.
225.	Q:	In both the Cultivator and Retail RFPs, Section VIII. states that proposals must "be signed by an individual(s) authorized to execute legal documents on behalf of the Owner/Operator." Is there a form which such individual(s) is required to sign?
	A:	Refer to Attachment 2 - Commercial Cannabis – Request for Proposals ("RFP) Response Form
226.	Q:	Must Owners/Operators include in their submission the Cannabis Business Employee/Owner Background Application provided in the RFP, even though it is marked "DRAFT?"
	A:	Please refer to Attachment 1 in the RFP Addendum.
227.	Q:	The meaning of the paragraph at Section IV.A.9. of the Cultivator RFP and Section IV.A.8. of the Retailer RFP is unclear. Please clarify.
	A:	Please refer to the RFP Addendum.
228.	Q:	Are electronic signatures (e.g. DocuSign) permissible on the application forms?
	A:	Yes.
229.	Q:	Are there limits on the amount of images that an Applicant may use?
	A:	All images must be in black and white and MUST be provided within the page limits indicated within the RFP.
230.	Q:	Will images count against sections with page limits (i.e. financial tables, proof of funds in Business plan section)?
	A:	Yes.
231.	Q:	Does a cover page and table of contents count towards the 8 page limit for the business plan section?
	A:	All pages count towards the total pages number allowed. Please refer to the RFP Addendum for updated maximum number of pages.
232.	Q:	Do the optional sections in the Business Plan prompt count toward the 8 page limit?
	A:	Please refer to the RFP Addendum for updated maximum number of page for each optional category.
233.	Q:	What are the specific formatting requirements for the RFPs (font type, size, spacing, page margins, etc.)? Do formatting requirements differ based on each section?
	A:	None, only the page limits and black-ink reference have been included. Please verify that pages are readable
234.	Q:	If a Retail applicant's premises is in the C-O zone, is applicant required to prepare a statement acknowledging their intent to file a Change of Zone if selected to apply for a CUP?
	A:	Please refer to the RFP for zone requirement and specific requirements.
235.	Q:	If a Retail applicant's location is outside of the 1,000 foot buffer zone for sensitive uses (so no variance required) but is adjacent to a residential property, triggering the 40 foot setback requirement (requiring setback adjustment application), can the applicant still secure the full 15 points on Question #5?
	A:	If a setback adjustment is required it may impact the scoring.
236.	Q:	If I have not received a confirmation about my Pre-Registration [form], how should I proceed?
	A:	If you have not received an email invitation to the Interested Parties Workshops you may not submit a response (Proposal) to the RFP.



COUNTY OF RIVERSIDE
Transportation and Land Management Agency
Juan C. Perez
Assistant CEO/TLMA Director



Transportation Department

Planning Department

Building and Safety Department

Code Enforcement Department

June 27, 2019

Riverside Monex Wellness, LLC
Attn: Ivy Nguyen and Chris Glew

Via E-mail: ivy.prosource@gmail.com and glewlaw@gmail.com

RE: Appeal – CAN190077

Dear Ivy Nguyen and Chris Glew:

Thank you for your interest in the County's Commercial Cannabis Retailer Request for Proposal (RFP) process. The County received 119 overall responses to the proposal request. Of the submitted Cannabis Retailer Proposals, 68 responders passed the initial completion check and were ranked by the RFP review panel. That panel consisted of six uniquely qualified Riverside County staff members from a variety of County Departments.

Staff ranked these proposals based on the published RFP criteria. The staff recommended ranking list was released on June 17, 2019. That list includes the Cannabis Retail proposals that are being recommended to be allowed to proceed with a Conditional Use Permit (CUP) application.

You are receiving this letter because you filed an Appeal of the staff recommended list, pursuant to the published RFP for dated March 20, 2019, Section X "Appeal Procedure". Your appeal was timely filed, and has been carefully reviewed by the TLMA Director.

Please note that, as indicated the in RFP, the role of the TLMA Director is to determine whether or not County staff or the RFP review panel followed the selection process outlined in the RFP and whether the RFP materials were materially ambiguous or inconsistent so as to give the selected Proposer(s) an unfair advantage.

Please also note that it is not my role to second-guess County staff or the RFP review panel as to the relative strengths or weaknesses of the submitted Proposals. I have committed to not substitute my judgment for that of staff or the RFP review panel, so long as the RFP process has been substantially followed.

As noted in your Appeal, a copy of which is attached, the basis of your Appeal are as follows:

- The Appeal alleges that RMW is unable to make a basis for appeal because you were not provided access to the ranked proposals when you requested them. You further state that an agent of the applicant (RMW) went to the County Planning

Department on June 18, 2019 and was advised by a County employee that the County is not willing to release any of the 19 granted proposals because they contained too much proprietary information.

- The Appeal alleges that said County employee provided a copy of the Request for Proposals Addendum, dated March 20, 2019, and that the Addendum was never presented to RMW prior to RMW's submittal of the proposal.
- The Appeal alleges that RMW is unable to determine if the County's selection process was fair due to the County providing minimal substantive information on how the score of 312.9 was determined.
- The Appeal alleges that RMW is unable to determine how the proposal was scored and why it received less than half of the permitted points in at least two sections, and that you are unable to compare the points.
- The Appeal alleges that RMW is entitled to be amongst the top 19 retailers since it submitted a timely Interested Party Form, submitted a timely proposal, and supplied all information requested by the County, including "optional" material, to ensure it would obtain the highest ranking possible.

I have reviewed your Appeal, and after close scrutiny, have determined that it does not have merit, and is hereby denied. This is based on the following:

- On June 18, 2019, the day after posting the ranking results, the average scores that each proposal received per category were posted. This allowed each proposer to determine how they ranked within each category, providing a further breakdown of their overall score.
- The RFP Question & Answer Section (Q&A #223) indicated that, in general, submitted proposals would not be considered public records, and that the County would comply with applicable laws and statutes regarding public records. This is in keeping with the County's standard procedure for submitted proposals. In an effort to further enhance transparency and provide information, on June 19, 2019, two days after posting the ranking results, redacted copies of the top-ranked 19 retail proposals were made available for public view, upon request, at the County Planning Department. This would have allowed unsuccessful proposals to review the top ranked-proposals and compare the points allocated by category to their own proposal, providing further information to be used in the filing of an appeal.
- I have spoken with the County employee who spoke with the RMW agent on June 18, 2019 regarding the request to see the top ranked 19 proposals. The employee was following the direction provided in the RFP Q&A #223 regarding the status of the RFP's as public records, but also mentioned that the RFP's would not be available for viewing "at this time", not foreclosing that it may be available at some other time.

- With regards to the allegations that the appellant's proposal should have received more points in one or more categories, I reiterate that it is not my role to second-guess County staff or the RFP review panel as to the relative strengths or weaknesses of the submitted Proposals. From my review of the ranking process and the ranking outcome it is clear that the RFP review panel gave each proposal careful consideration that would include the resulting scores. I have committed to not substitute my judgment for that of staff or the RFP review panel, so long as the RFP process has been substantially followed and I have concluded that the RFP process was substantially followed. Therefore, I will not consider changing the scores of the RFP review panel.
- The RFP Addendum was issued on March 20, 2019 and posted on our cannabis web site. Notifications of the web site posting were emailed to all who had registered their emails with the Planning Department through the cannabis website. Additionally, an email notification was sent out to all interested parties on March 21, 2019. The interested party email shown on record as the interested party contact is c.glew@stoneycapp.com.
- The March 20th RFP Addendum (page 22) indicates that "the responses will be scored on a point scale based on the quality of responses". The RFP process is a competitive selection process to determine the top-ranked applications.
- This proposal ranked 56 out of 68 retail proposals. The reasons cited in the appeal would not have materially changed the outcome of the rankings to put it into the top 19.

Please note that, although this proposal is not being recommended to move forward at this time, the County will re-evaluate the program after the first year of implementation and determine how we will proceed in future years. We appreciate your interest in submitting a proposal, and urge you to stay involved as the program progresses in the future.

Sincerely,



Juan C. Perez,
Assistant CEO/TLMA Director

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RECEIVED
JUN 24 2019
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

**APPEAL OF
RIVERSIDE MONEX WELLNESS, LLC
41215 E. FLORIDA AVE
HEMET, CA 92544
(CAN 190077)**

1 **TO THE COUNTY OF RIVERSIDE TRANSPORTATION & LAND MANAGEMENT**
2 **AGENCY:**

3 **I. INTRODUCTION**

4 Riverside Monex Wellness, LLC (hereinafter "RMW"), located at 41215 East Florida
5 Ave., Hemet, California, 92544, seeks to operate a Cannabis Storefront Retail and Non-Storefront
6 Retail (delivery) business in the unincorporated County of Riverside (hereinafter "County").
7 Although RMW timely complied with the County's requirements and submitted substantial
8 information to obtain the County's approval to proceed with obtaining a conditional use permit,
9 the County's ranking of RMW deemed it insufficient to proceed. Pursuant to the County's
10 Transportation & Land Management Agency ("TLMA") Request for Proposals for Commercial
11 Cannabis Retailer Addendum, RMW timely appeals and seeks the reconsideration of its Request
12 for Proposal Response Form (hereinafter "Proposal") and its ranking.

13 For the reasons set forth in detail below, RMW met all criteria in its Proposal to achieve a
14 passing score under the TMLA RFP and Addendum. Notwithstanding this, RMW did not get a
15 passing score and was ranked lower than other proposals. In order to further meet the elements for
16 seeking an appeal, RMW necessarily requires information as to the detailed scoring of other
17 proposals. Yet the County has refused to provide this detailed information. RMW lacks a
18 meaningful ability to engage in the appeal process given the County's refusal to provide the very
19 information required to be assessed and argued under the designated appeal process. The refusal
20 to furnish necessary information is a burden on RMW's due process rights resulting in RMW
21 unable to obtain a fair and equitable appeal. In the absence of access to the information required
22 under the designated appeal process, RMW must rely solely upon the merits of its Proposal and
23 some generic numerical points of other Proposals as the basis for an appeal. RMW's Proposal
24 reveals it is entitled to a full reconsideration and that RMW should obtain a ranking sufficient to
25 allow it to pursue a conditional use permit.

26 **II. STATEMENT OF FACTS**

27 RMW timely submitted its Interested Party Form to the County Planning Department,
28 attended a mandatory Cannabis Request for Proposal Workshop, and timely submitted its

1 Proposal with its required copies and accompanying fees. (Ex. A) RMW's Proposal supplied *all*
2 the information the County requested and abided by the County's page restrictions. (*Id.*) RMW
3 also provided additional "optional" material to ensure it would obtain the highest ranking
4 possible. (*Id.*)

5 Notwithstanding RMW's efforts, it was notified on June 17, 2019 that it obtained
6 insufficient points to rank amongst the top 19 retailers permitted proceed forward with obtaining a
7 conditional use permit.

8 RMW appeals the County's decision to not issue an award authorizing RMW to seek a
9 conditional use permit.

10 **III. ARGUMENT**

11 **A. General Grounds for Appeal**

12 Pursuant to the County's policy, appeals can be made on one or more of the following
13 grounds:

- 14 a. The RFP or its exhibits were ambiguous or inconsistent in a materially significant way
15 and such ambiguity or inconsistency gave the selected Proposer(s) and unfair
16 competitive advantage.
- 17 b. The selection process was unfair in that the County failed to follow the stated selection
18 process which gave an unfair competitive advantage to the selected Proposer(s) and
19 the selection process was not modified or waived pursuant to the RFP.

20 (Cannabis RFP Response Package – Ranking Results Information, June 17, 2019).

21 **B. The County's Withholding of Information Violates RMW's Procedural and 22 Substantive Due Process Rights**

23 **1. Whether any of the top 19 selected Proposers obtained an unfair competitive 24 advantage is unable to determined**

25 The County's policy to permit the right of appeal presupposes that RMW has access to all
26 other submitted Proposals, including the Proposals of the top 19 ranked retailers. However,
27 RMW does not have access to these other submitted Proposals, nor was it able to obtain such
28 information from the County.

On June 18, 2019, an RMW agent went to the County's Planning Department seeking to
obtain copies of the 19 granted Proposals to assist with this instant appeal. County representative

1 Mr. Robert Flores indicated that the County is not willing to release any of the 19 granted
2 Proposals because they contained too much proprietary information. According to Mr. Flores,
3 each Proposal contained a large amount of proprietary information such that none are allegedly
4 subject to disclosure under California's Public Records Act. (Gov. Code, § 6250 *et seq.*) Mr.
5 Flores said that the County is further unable or perhaps, unwilling, to redact all proprietary
6 information contained in each granted Proposal.

7 In lieu of obtaining the top 19 granted Proposals, Mr. Flores instead provided the RMW
8 agent with only two documents: (1) 2019 Riverside County – Cannabis RFP Response Package
9 Rankings and (2) Request for Proposals for Commercial Cannabis Retailer Addendum, dated
10 March 20, 2019. Interestingly, this Addendum breaks down the permitted scoring for each
11 section and subsection for a submitted Proposal, but the Addendum was never presented to RMW
12 *prior* to RMW's Proposal submission. Notwithstanding the recent receipt of these two
13 documents, the County's lack of transparency hinders RMW's procedural due process as it is
14 unable to make the assessment of whether the top 19 granted Proposers received an unfair
15 competitive advantage.

16 RMW is prevented from having a fair, equitable, and accurate fact-finding appeal to
17 determine *if* other Proposers received an unfair competitive advantage and, assuming they did,
18 *how* the Proposers received an unfair advantage. Furthermore, the County's appeal procedure
19 does not permit an evidentiary hearing to review and introduce any evidence regarding the same.
20 (See Request for Proposals for Commercial Cannabis Retailer Addendum, Appeal Procedure.)
21 All RMW can show is that other Proposals received a higher score, but not specific identify *why*
22 the higher scored was received. Therefore, whether the top 19 granted Proposals received an
23 unfair competitive advantage is unable to be determined.

24 **2. Whether the County's selection process was fair is also unable to be**
25 **determined**

26 Notwithstanding the procedural due process issues discussed above (III.B.1., *infra*), the
27 County provided RMW with minimal substantive information on how its score of 312.9 was
28 obtained. (2019 Riverside County – Cannabis RFP Response Package Rankings.) The County

1 has further failed to provide any detailed substantive information on how the 19 top ranked
2 retailers received their higher scores, and how the other below-ranking retailers received their
3 lower scores. Again, the County only provided RMW with vague numerical scores themselves.

4 According to the County's Addendum, each Proposal section was allotted a certain
5 number of points. (See Request for Proposals for Commercial Cannabis Retailer Addendum, pg.
6 24-28.) Some sections contained subsections, and those subsections could receive a reduced
7 score if only the lone subsection was met. (*Id.*) RMW has no idea *how* it was substantively
8 scored with only quarter points or half points in some sections, and why for example, it received
9 less than half of the permitted points possible in at least two sections. (*Id.*) Similarly, RMW is
10 unable to compare any of its points with the other top 19 Proposals to determine what RMW
11 failed to include.

12 Additionally, assuming the County properly utilized the same scoring chart for all
13 Proposals, disclosure of the scoring charts alone would not reveal any proprietary information.
14 Instead, the scoring charts would reveal in detail where other Proposers had sections and
15 subsections deemed "more qualified" than RMW's Proposal. However, given the County's non-
16 disclosure position, RMW is unable to make that assessment.

17 The County's lack of transparency prevents RMW from ensuring that procedural
18 safeguards were in place when all Proposals were reviewed, and that the same unbiased
19 substantive review was given to all submitted Proposals. RMW is also prevented from knowing
20 whether the ultimate "decision maker" on these other 19 higher-ranking Proposals was an
21 unbiased party. With such lacking evidence, RMW is unable to determine if the County's review
22 process has been substantially followed and whether a fair selection process took place.

23 **C. RMW's Proposal Adequately Demonstrates that it Meets the County's Criteria to**
24 **Obtain a Ranking to Proceed with Obtaining a Conditional Use Permit**

25 A review of RMW's Proposal reveals that it satisfies the County's criteria to obtain a
26 score within the top 19 retailers. (Ex. A.) RMW timely submitted its Interested Party Form to the
27 County Planning Department and subsequently attended a mandatory Cannabis Request for
28 Proposal Workshop.

1 On or before April 12, 2019, RMW timely submitted its Proposal with its required copies
2 and accompanying fees. (Ex. A.) RMW's Proposal supplied all information requested by the
3 County and abided by the County's specific page restrictions. (Id.) RMW also provided
4 additional "optional" material to ensure it would obtain the highest ranking possible. (Id.) The
5 review of RMW's 82-page Proposal indicates RMW fully addressed and satisfied all procedural
6 and substantive requirements, entitling it to be amongst the top 19 retailers.

7 **IV. CONCLUSION**

8 For the above stated reasons, RMW's due process rights have been wrongfully violated,
9 resulting in RMW unable to obtain a fair and equitable appeal. Notwithstanding such violation,
10 RMW's Proposal is entitled to a full reconsideration and a ranking sufficient to allow it to pursue
11 a conditional use permit.

12
13 Dated: June 21, 2019

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15 _____
16 Christopher M. Glew, Esq RMW Counsel
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RIVERSIDE COUNTY TRANSPORTATION &
LAND MANAGEMENT AGENCY
PLANNING DEPARTMENT



REQUEST FOR PROPOSALS
For
COMMERCIAL CANNABIS RETAILERS
Addendum

January 29, 2019

March 20, 2019

Seven (7) ~~Five (5)~~ Copies of
Response to the Request for Proposals (Proposal),
1 (one) electronic PDF, 1 (one) Completed RFP Application, Appropriate
number of background check forms & RFP Response payment

Due By:

By April 12, 2019 at 4:00 p.m.

At 4080 Lemon Street, 9th Floor
Riverside, CA 92501

or

77-588 El Duna Court, Ste. H
Palm Desert, CA 92211

Responses must be hand delivered with appropriate payment

will make an award in the best interests of the County after all Proposals have been evaluated.

VII. EVALUATION CRITERIA

A. STEP 5 - MINIMUM REQUIREMENTS FOR A PROPOSAL TO BE CONSIDERED 'COMPLETE'

If a Proposal fails ANY of the below criteria the Proposal will be excluded from consideration and a 50% deposit will be returned to the Proposer.

Interested Parties Pre-registration was submitted for at least one name provided in Proposal on or before the February 15, 2019 deadline	Pass/Fail
RFP review payment of \$5,500 + \$300/each Operator paid on or before the April 12, 2019, 4:00pm deadline to submit Proposals	Pass/Fail
Evidence of a secured proposed location for the cannabis business was provided	Pass/Fail
Proposed location is a property that exhibits a Zone that will allow for Cannabis Retail Sales Activities. If the location's zone does not allow for Cannabis Retail Sales Activities, a statement acknowledging the intent to file a Change of Zone, <u>and an explanation of why that zone should be changed.</u> the Proposer be selected to apply for a CUP <u>Did the proposal include a discussion regarding the consistency of the proposed zone with the General Plan?</u>	Pass/Fail
Proposed location is outside of a 1,000-foot Cannabis buffer zone for sensitive uses (less than 1,000-feet but greater than 600-feet, acknowledgment of a required Variance has been included). <u>Is the proposed location within 500-feet of a smoke shop or similar facility?</u>	Pass/Fail
Proposal includes all Required Information per Section IV.A. PROPOSAL REQUIREMENTS (Items 1-12, excluding optional items)	Pass/Fail

B. STEP 6 - SCORING FOR PROPOSAL RANKING

The table below is a scoring rubric to evaluate Proposals received in response to the RFP. The responses will be scored on a point scale based on the quality of responses. The Proposal must receive a minimum of 70% (~~280-220.5~~ points) of the total possible required points to proceed to be considered for ranking. If any of the 12 required categories scores less than 50% (except strictly OR categories) the Proposal will not be considered for top ranking, regardless of the overall points scored on the Proposal. The maximum points available (required +optional) is 400.

<u>Owners/Operator(s) do not pass a Criminal background Check pursuant to Section 19.505.G.2 and 3 of Ordinance No. 348 will be eliminated from the Proposal process subsequent to the initial County completeness review and are not subject to a refund of RFP review payments.</u>	Pass/Fail
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the right to apply for a CUP. The Proposers must apply for a CUP within 120 days from the day that the rankings list is filed with the Board. Once the category is filled, the remaining businesses will be placed on a waiting list that will be valid for one year. If an awardee is unable to submit an application for a CUP within the proposed schedule within 120 days, the next ranked Proposal on the list will qualify and the Proposers will be given the opportunity to apply for a CUP.

IV. SUBMITTAL OF PROPOSALS

A. STEP 4 - SUBMITTING A PROPOSAL

Five (5) Seven (7) identical copies and one (1) identical electronic PDF copy of your Proposal and applicable number of completed background check forms shall be received in a sealed envelope labeled "Commercial Cannabis Cultivation RFP Response", on or before 4:00 p.m. (Pacific Standard Time), Friday April 12, 2019, addressed to the attention of:

TLMA – Planning Department

4080 Lemon Street, Riverside CA 92501, 9th Floor

or

77-588 El Duna Court, Ste. H Palm Desert, CA 92211

The applicable RFP Review Payment and the RFP Response Form shall accompany the submittal but shall not be enclosed within the sealed envelope. Proposals not received by this date on or before 4:00 p.m. (Pacific Standard Time), Friday April 12, 2019 and time will not be considered.

VI. EVALUATION PROCESS

Proposals must fully address the Proposal requirements in Section IV above and the evaluation criteria and scoring rubric in VII below, as well as contain complete submittals, references and data to verify qualifications. Proposals without sufficient data to provide a complete evaluation will be considered non-responsive.

All Proposals will be reviewed for compliance with requirements including documented capability to operate a cannabis business in a satisfactory manner. Proposals will be evaluated in accordance with the criteria in section VII below.

In the event of a tied score, the final slot shall be chosen by a computer-generated random means at the discretion of the TLMA Director.

Awards will be made to the Proposers offering the most advantageous Proposals after consideration of the evaluation criteria set forth below. The County



COUNTY OF RIVERSIDE
Transportation and Land Management Agency
Juan C. Perez
Assistant CEO/TLMA Director



Transportation Department

Planning Department

Building and Safety Department

Code Enforcement Department

June 27, 2019

Kron & Card, LLP
Attn: Anne Card and/or Scott Kron – Left Coast, LLC
29122 Rancho Viejo Road, Suite 110
San Juan Capistrano, CA 92675

Via E-mail: anne@kronandcard.com
scott@kronandcard.com

RE: Appeal – CAN190116

Dear Ms. Card and Mr. Kron:

Thank you for your interest in the County's Commercial Cannabis Retailer Request for Proposal (RFP) process. The County received 119 overall responses to the proposal request. Of the submitted Cannabis Retailer Proposals, 68 responders passed the initial completion check and were ranked by the RFP review panel. That panel consisted of six uniquely qualified Riverside County staff members from a variety of County Departments.

Staff ranked these proposals based on the published RFP criteria. The staff recommended ranking list was released on June 17, 2019. That list includes the Cannabis Retail proposals that are being recommended to be allowed to proceed with a Conditional Use Permit (CUP) application.

You are receiving this letter because you filed an Appeal of the staff recommended list, pursuant to the published RFP for dated March 20, 2019, Section X "Appeal Procedure". Your appeal was timely filed, and has been carefully reviewed by the TLMA Director.

Please note that, as indicated in the RFP, the role of the TLMA Director is to determine whether or not County staff or the RFP review panel followed the selection process outlined in the RFP and whether the RFP materials were materially ambiguous or inconsistent so as to give the selected Proposer(s) an unfair advantage.

Please also note that it is not my role to second-guess County staff or the RFP review panel as to the relative strengths or weaknesses of the submitted Proposals. I have committed to not substitute my judgment for that of staff or the RFP review panel, so long as the RFP process has been substantially followed.

As noted in your Appeal, a copy of which is attached, the basis of your Appeal are as follows:

- The appeal alleges that the RFP was inconsistent with Ordinance No. 348 because the RFP asked responders to confirm that their proposed Cannabis Retailer lot is outside of minimum setbacks to sensitive uses but did not ask proposers to declare that the proposal conforms to setback standards. Particularly you reference Section 19.519.B of Ordinance No. 348 – Cannabis Retailer Minimum Standards. That section requires that building setbacks for cannabis retail facilities shall conform to the zone classification they are located in, unless adjacent to a residentially zoned lot where the minimum building setback shall be 40-feet to the residentially zoned lot line. The appeal alleges that if the RFP or Ordinance were to have considered a 40-foot setback from a lot that exhibits a residential land use an adjacent proposal (CAN190050) would not have been in the top 19 ranked proposals, and the appellant's proposal would have therefore been included in the recommended additionally added proposals.
- The appeal alleges that the appellant's proposal should have received more points on certain Sections. Section 2 – Statement of Qualifications. The proposal received 26.8 points out of a possible 30 points. On The Local Ownership Section 4.3 the appellant's proposal scored a 29.5 points out of a possible 30 points.

I have reviewed your Appeal, and after close scrutiny, have determined that it does not have merit, and is hereby denied. This is based on the following:

- As the appeal states the subject property APN 381-251-005 is located in close proximity to another proposal that ranked within the top 19 proposals. The appeal alleges that the proposal for APN 381-251-025 (CAN190050) should have been disqualified because it would be operating within 38 feet of a lot with a General Plan Land Use Designation of Medium Density Residential. As noted in the appeal, Ordinance No. 348 refers only to a minimum 40-foot setback to a residentially zoned lot and not to a residential General Plan Land Use. I have attached the zoning map as well as the General Plan land use map for your reference. A careful review of these maps confirms that the proposal for APN 381-251-025 (CAN190050) is adjacent to a lot APN 381-251-004 that exhibits a zone of C-1/C-P and a General Plan Land Use designation of Medium Density Residential. However, that is not relevant to the merits of that proposal's scores, as this was not a criteria by which proposals were scored.

It is important to note that, although not a scoring requirement in the RFP, the Ordinance No. 348 Development Standards for Commercial Cannabis Retailers are clear to require a 40-foot setback for cannabis retailer facilities when adjacent to a residentially zoned property. However, the Ordinance allows for an applicant to request a setback adjustment. APN 381-251-025 (CAN190050) is surrounded by residentially zoned properties on the south and commercial on the east. Therefore, a 40-foot building setback is required to those residential properties or a request for a setback adjustment is required to be included in an application.

Further, the proposal for APN 381-251-025 (CAN190050) includes a plan to construct a new building where the setbacks are shown at a minimum of 40-feet.

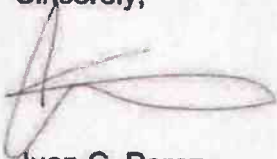
- With regards to the allegations that the appellant's proposal should have received more points in one or more categories, I reiterate that it is not my role to second-guess County

staff or the RFP review panel as to the relative strengths or weaknesses of the submitted Proposals.

From my review of the ranking process and the ranking outcome it is clear that the RFP review panel gave each proposal careful consideration that would include the resulting scores. I have committed to not substitute my judgment for that of staff or the RFP review panel, so long as the RFP process has been substantially followed and I have concluded that the RFP process was substantially followed. Therefore, I will not consider changing the scores of the RFP review panel. I further note that the panel score of 29.5 points out of 30 provided a 98% of the allowable points for that section.

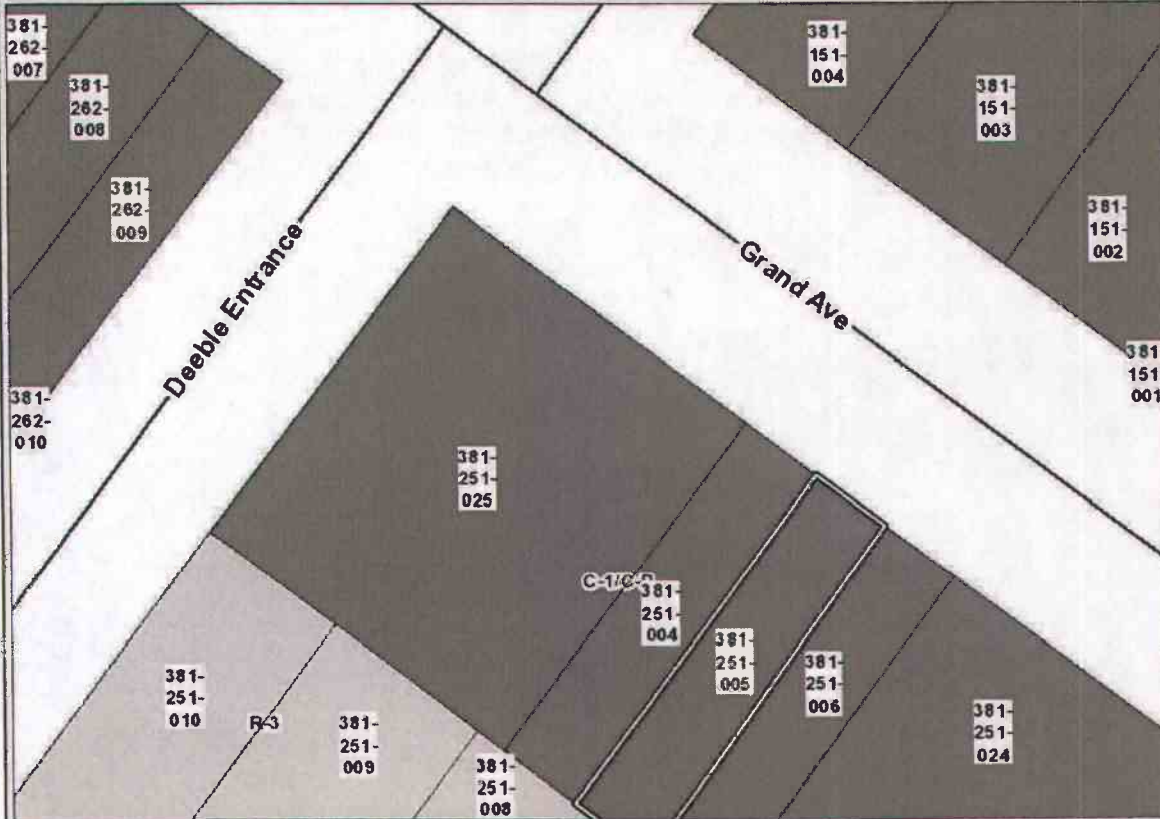
Please note that, although this proposal is not being recommended to move forward at this time, the County will re-evaluate the program after the first year of implementation and determine how we will proceed in future years. We appreciate your interest in submitting a proposal, and urge you to stay involved as the program progresses in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Juan C. Perez', with a stylized flourish extending to the right.

Juan C. Perez,
Assistant CEO/TLMA Director

CAN190116
Zoning Map



Legend

- Parcel APNs
- Parcels
- Zoning
 - OTHER ZONING
 - A-1
 - A-1-1
 - A-1-1/2
 - A-1-1/2
 - A-1-10
 - A-1-15
 - A-1-2
 - A-1-2 1/2
 - A-1-2 1/4
 - A-1-20
 - A-1-30000
 - A-1-4
 - A-1-40
 - A-1-5
 - A-2
 - A-2-1
 - A-2-10
 - A-2-2
 - A-2-2 1/2
 - A-2-20
 - A-2-5
 - A-D
 - A-P



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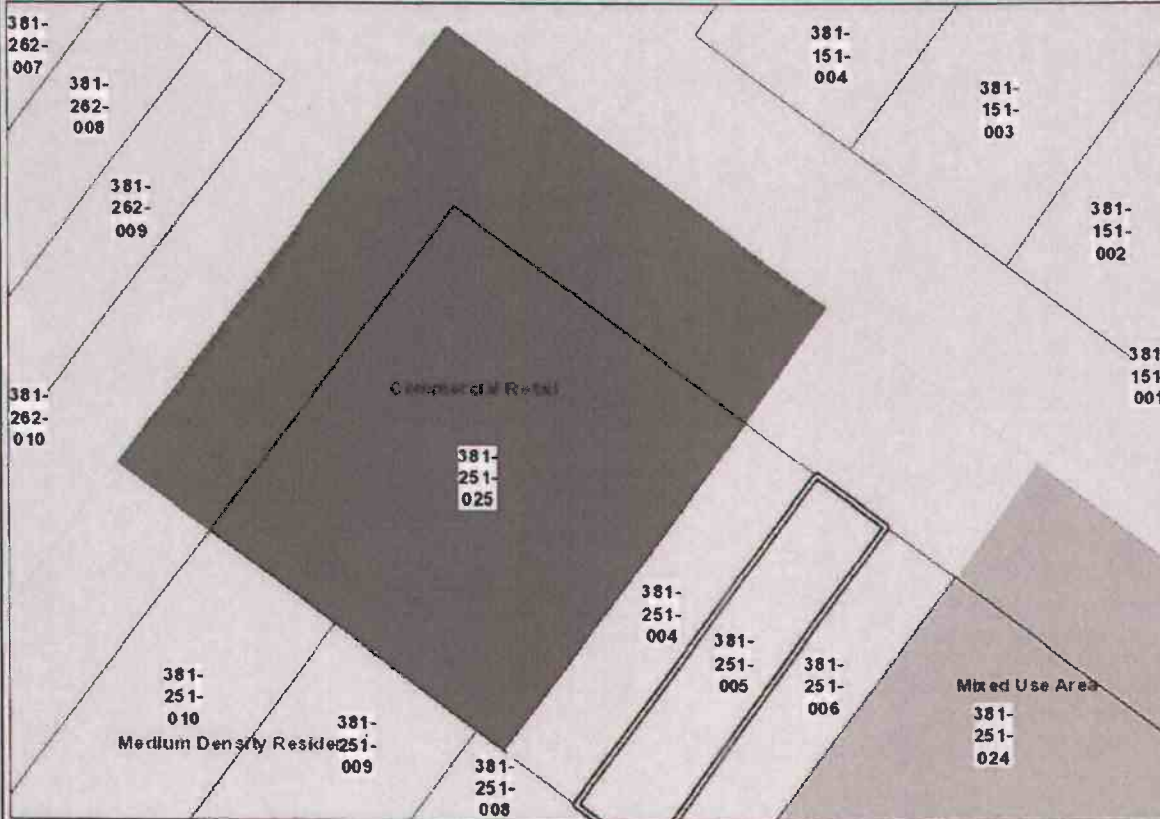
Notes

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CAN190116
General Plan Map



Legend

Parcel APNs
 Parcels

General Plan Land Use

- Rural Community - Estate Density I
- Rural Community - Very Low Density Residential
- Rural Community - Low Density Residential
- Estate Density Residential
- Very Low Density Residential
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- High Density Residential
- Very High Density Residential
- Highest Density Residential
- Commercial Retail
- Commercial Tourist
- Commercial Office
- Community Center
- Light Industrial
- Heavy Industrial
- Business Park
- Public Facilities
- Mixed Use Area
- Rural Residential
- Rural Mountainous
- Rural Desert
- Agriculture



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Notes



COUNTY OF RIVERSIDE
Transportation and Land Management Agency
Juan C. Perez
Assistant CEO/TLMA Director



Transportation Department

Planning Department

Building and Safety Department

Code Enforcement Department

June 27, 2019

IE Healthcare, LLC
Yousef Qasem
225 W. Frontvale Ave. #E60
Hemet CA 92543

Via E-mail: yousefqasem78@hotmail.com

RE: Appeal – CAN190117

Dear Yousef Qasem:

Thank you for your interest in the County's Commercial Cannabis Retailer Request for Proposal (RFP) process. The County received 119 overall responses to the proposal request. Of the submitted Cannabis Retailer Proposals, 68 responders passed the initial completion check and were ranked by the RFP review panel. That panel consisted of six uniquely qualified Riverside County staff members from a variety of County Departments.

Staff ranked these proposals based on the published RFP criteria. The staff recommended ranking list was released on June 17, 2019. That list includes the Cannabis Retail proposals that are being recommended to be allowed to proceed with a Conditional Use Permit (CUP) application.

You are receiving this letter because you filed an Appeal of the staff recommended list, pursuant to the published RFP for dated March 20, 2019, Section X "Appeal Procedure". Your appeal was timely filed, and has been carefully reviewed by the TLMA Director.

Please note that, as indicated in the RFP, the role of the TLMA Director is to determine whether or not County staff or the RFP review panel followed the selection process outlined in the RFP and whether the RFP materials were materially ambiguous or inconsistent so as to give the selected Proposer(s) an unfair advantage.

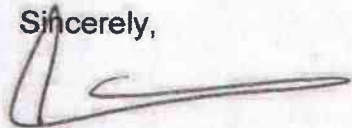
Please also note that it is not my role to second-guess County staff or the RFP review panel as to the relative strengths or weaknesses of the submitted Proposals. I have committed to not substitute my judgment for that of staff or the RFP review panel, so long as the RFP process has been substantially followed.

As noted in your Appeal, a copy of which is attached, the basis of your Appeal are general in nature and do not cite specific reasons why your proposal should be reconsidered in the ranking list. I have reviewed your Appeal, and after close scrutiny, have determined that it does not have merit and is hereby denied. This is based on the following:

- The Appeal did not cite specific reasons to indicate that staff did not follow the selection process outline in the RFP, or that the RFP materials were materially ambiguous or inconsistent.
- The Appeal seeks to provide additional information regarding your general intentions to contribute to the community, and the appropriate operation of the facility. However, RFP Question and Answer section, which was included in the RFP, makes it clear (Q&A #191) that "once the RFP has been submitted to the County you will not have the opportunity to revised the content".
- This application was ranked 68 out of 68 retailers by our RFP review panel. You have not included information in your Appeal that would affect your score materially, so it does not change the outcome of the rankings.

Please note that, although this proposal is not being recommended to move forward at this time, the County will re-evaluate the program after the first year of implementation and determine how we will proceed in future years. We appreciate your interest in submitting a proposal, and urge you to stay involved as the program progresses in the future.

Sincerely,



Juan C. Perez,
Assistant CEO/TLMA Director

Flores, Robert

From: Yousef Qasem <yousefqasem78@hotmail.com>
Sent: Saturday, June 22, 2019 6:54 PM
To: Cann Planning
Subject: Appeal of Cannabis RFP award IE Health Care, LLC

CAUTION: This email originated externally from the Riverside County email system. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

From: Mr. and Mrs. Qasem
File No. CAN190117
APN. 102250057

We are writing with a personal vision wanting to show new answers due to the lack of demonstration of our true intentions and commercial interests and consequently not be able to contribute the community on giving them the facility to obtain commercial cannabis near at a complete and qualified establishment for the sale of the product. By declaring the above, our intention now is to specify that we have a wide variety of trained people who understand the importance and benefits this can bring for all, this people will be those who are always steady for distribution, following the specific rules of the County of Riverside as well as the sales procedures. This is done by maintaining the establishment with everything necessary to operate correctly, having the staff always ready and willing to contribute on the company's growth and remain concrete and in a healthy state. Daily supervise that the establishment has a great state of conditioning , prepared at all times. By this patients will have the certitude that what they are buying is a valuable and reliable product, as well as maintaining a world class customer service , empathizing their needs and giving value to their time as well as their purchase and consequently create loyalty with the customers and its advantage to be in sight of an exclusive loyalty program. Our investors will be in charge of taking advantage of the location points to improve the visibility ease for the consumers, with a key point that is an effective remodeling to the whole site to give a considerable striking impression. We are willing to cooperate by intervening our business plans if your vision on this site is different from ours, we can adjust any change to the convenience of both.

With this statement I confirm the existing potential that IE Health Care, LLC, can provide.

We look forward to hearing a possible reconsideration to our broad interest in accessing the license. We appreciate your time and attention, thank you.



Cannabis Request for Proposal (RFP) Question & Answers



Clarifications on the process –

- Only Pre-registered applicants who submitted an Interested Parties Form will be able to submit an application for the RFP process for consideration.
- If you are ranked as a top 19 Retail Sales or top 50 Cultivation proposal it does not guarantee that you will obtain an approval for a Land Use Permit. After you are ranked you must apply for a Conditional Use Permit (CUP) through the Land Use Process.
- All types of Cannabis uses in the County must apply for a Conditional Use Permit and must go to a hearing before the Planning Commission for a recommendation to the Board of Supervisors (BOS) and before the BOS for a final decision.
- During the Conditional Use Permit process applicants will be required to enter into a Developer Agreement (DA).
- The following questions were posed to the County at the March 5, 2019 and March 6, 2019 Interested Parties Workshops and emailed to staff during the period of March 5, 2019 to March 20, 2019. Responses are based on the understanding of each question posed. It is the responsibility of the Proposers to review answers and best apply them to their Proposal.

Questions and Answers:

1.	Q:	Are we allowed to cultivate non-flowering plants? Will non-flowering plants count against the allowable square footage? Do non-flowering plants need to be covered?
	A:	<p>Cannabis Nurseries are not required to propagate plants in mixed light structures or indoor, but mature plants may not remain on the site and must be removed once matured. This use must have a Nursery License.</p> <p>If the plants will be cultivated to maturity they must be covered and they will count towards the Cannabis canopy. This use must have a Cultivating License.</p> <p>Note that Cannabis cultivators may propagate immature plants. The areas for propagation must be indicated on the provided site plan and these plants must be moved to the allowable canopy areas once they mature. At no time may mature plants exceed the canopy area that has been permitted on the property with a CUP. At no time may a Cannabis cultivator sell immature (nursery plants) or propagate nursery plants for others.</p>
2.	Q:	Is there an update regarding the W-2 form in the RFP process?
	A:	Cannabis activities are currently not allowed in the W-2 Zone and therefore, excluded from the RFP process but research regarding the W-2 Zone is currently being reviewed. Recommendations for this Zone as well as the R-R and R-A Zones will be presented to the Planning Commission and the Board for review and consideration later this year.
3.	Q:	How will applicants be notified if they are within 1,000 feet from another Cannabis proposed operation?
	A:	During the ranking process proposals will be reviewed to determine if any proposed Retail Sales Cannabis operations are within 1000 feet from another proposed Retail Sales Cannabis operation. If both proposals are in the included rankings, Proposers will be notified that they are within 1,000 feet from another Cannabis operation and informed that the first applicant to complete and receive CUP approval will be given the permit. Each applicant would then be proceeding at risk as to who obtains the permit first.

		Cultivation and Retail sales the Microbusiness will be included in that category where the proposal scores the higher score.
181.	Q:	Can we change our canopy size from our pre-reg. form to accomplish a Cultivation focused license application?
	A:	See answers to Questions 8. and 71. Above
182.	Q:	For the business plan portion of the Cultivation proposal submission, is there a general requirement that the proposal documents be of a certain font-size or margin?
	A:	No
183.	Q:	Also, for the business plan portion, are we allowed extra pages for submitting the site plan? Site plans usually take up at least one page in our experience.
	A:	See answer to Question 113. Above
184.	Q:	Subsection (n) of the business plan section identifies that it is allowed a 1 page maximum. Is this in the proper place? Is this 1 additional page in addition to the 5 page maximum? Or does this mean to say this subsection [cannot] be over 1 page within the 5-page business plan?
	A:	The RFP Addendum now states the maximum page limits for all categories.
185.	Q:	If an applicant put 2 APN numbers on one application can he change both of them?
	A:	See answers to questions 53. And 78. Above. Note also that RFP's must be submitted for each location.
186.	Q:	[I've] submitted for pre registrations and got the invitation for workshop. Does this mean I can apply for Cultivation? [Cultivation] deadline is [April] 12th correct and if I planned to do nursery there is no deadline?
	A:	See answer to question 151. Above for nurseries. If you desire to submit an RFP for Cultivation and have the invitation you may submit and RFP pursuant to the RFP requirements.
187.	Q:	Is the prior Cannabis experience only allocated to legal operations only, or can someone who has been in the prop 215 space, allowed to be a qualifying owner?
	A:	Qualified prior Cannabis experience is considered experience with a permitted and non-permitted Cannabis businesses. Please refer to RFP.
188.	Q:	Does the resident have to be in Unincorporated Riverside, or can they be in Riverside County and areas like Murrieta?
	A:	The residency requirement pertains to proposers that are residents of the County or Riverside, including all cities within the County.
189.	Q:	I am in the process of submitting my RFP for commercial Cannabis Microbusiness. I want to make sure that I am on the [pre-registered] list and that is the next step in the process? Do you have a [pre-registered] list of applicants?
	A:	You are a qualified Interested Party if you received an email inviting you to the Interested Party Workshops. A copy of that email is required upon submittal of the RFP.
190.	Q:	My question for the County is "if our application is deemed to be incomplete, will we have an opportunity to amend the application.
	A:	Once the RFP has been submitted to the County you will not have the opportunity to revise the content.
191.	Q:	If we have inadvertently responded to a question incorrectly or incompletely. Will we have an opportunity to correct it?
	A:	Once the RFP has been submitted to the County you will not have the opportunity to revise the content.
192.	Q:	If a general plan amendment is required, how will that affect the selection determination?
	A:	A General Plan Amendment complicates the CUP process. If the amendment is Foundation change, that amendment will not be able to be considered until 2024. Care should be taken if you find yourself in this situation.
193.	Q:	Can I change the scope of my RFP submission to include just Cultivation from the scope submitted for in my [pre-registration] which was Cultivation, Manufacturing and Distribution?
	A:	See answer to question 8. Note that once the RFP is submitted uses may NOT be revised.
194.	Q:	Can I increase the size of the Cultivation area requested in [pre-registration] from 22,000 sq. ft. of indoor grow to 44,000 sq. ft. in the RFP?