

TIERED WINERY

DRAFT ORDINANCE

Guide for Public Feedback

The draft Tiered Winery Ordinance Amendments (Draft Ordinance) are available in advance of the Open House scheduled for September 10, 2026. The Draft Ordinance is included below starting on page 2 (two) of this document. The purpose of this Draft Ordinance is to support local farms and small businesses by expanding opportunities for winery tiers and operation standards.

This Draft Ordinance was directed by the County of San Diego Board of Supervisors (Board) through two separate hearings:

1. **February 28, 2024** - The Board directed staff to explore expanding winery operations into Rural Residential (RR) zones and to evaluate permitting live amplified music at Boutique Wineries. ([Minute Order](#)) ([Feasibility Analysis](#))
2. **February 11, 2026** - The Board adopted the allowance of live amplified music at Boutique Wineries and directed staff to review the 30% criteria for designated tasting/retail sales areas, reassess the minimum 200-foot setback for live music, and alternative solutions for amplified music compliance. ([Minute Order](#))

To comply with Board direction, Planning and Development Services (PDS) has initiated a Tiered Winery zoning ordinance amendment to better facilitate agriculture development as envisioned by the General Plan. The main goal of this effort is to support agriculture and create more attainable winery operations.

The proposed solutions were vetted through meetings with County departments, subject matter experts, industry groups, and community members. The internal and external feedback refined the proposed amendment language and identified potential zoning and/or procedural conflicts.

The goal of these amendments is to support a strong winery industry that helps local farms and small businesses and to allow smaller tiers of wineries to operate and expand in a responsible way, while protecting public health, safety, and the character of local neighborhoods.

It is important to note that the County Zoning Ordinance permits wineries in Agricultural zones through a series of standards intended to ensure that they will be secondary to, and supportive of, existing agricultural uses. The expansion of wineries into Rural Residential (RR) zones is similarly intended to be secondary to, and supportive of existing agricultural uses, as wineries would only be allowed where there is active agriculture sufficient to produce the required on-site fruit production for winemaking. The RR regulations are intended to establish and enhance residential areas where agricultural uses remain, where large lots are desired, and urban levels of service are not available. The proposed use is consistent with the purpose of the RR regulations, as it supports areas where agricultural uses remain on larger lots, while considering the compatibility of residential areas.

The proposed amendments are consistent with the General Plan which has policies to protect agricultural land as a diminishing resource in need of conservation.

Zoning Ordinance Amendments will include changes to Sections 6910, 6910.a.1., 6910.a.2., 6910.a.3., 6910.a.4., 6910.a.5., 6910.b.1., 6910.b.2., 6910.b.3., 6910.b.4., 6910.b.5., 6910.b.6., 6910.b.7., 6910.b.7.i., 6910.b.8., 6910.b.8.i., 6910.b.8.ii., 6910.b.8.iii., 6910.b.8.iv., 6910.b.8.11., 6910.b.8.12., 6910.b.8.13., 6910.b.8.14., 6910.b.8.16., 6910.c.1., 6910.c.1., 6910.c.2., 6910.c.3., 6910.c.3.iv.d. Revisions will also be incorporated into Zoning Ordinance Sections 2183 and 2990 to reflect new winery use allowances in Rural Residential zones. In addition, the Americans with Disabilities Act (ADA) compliance has been integrated into this document to ensure that individuals with visual, auditory, or cognitive disabilities can successfully access, navigate, and read the content using assistive technologies like screen readers.

Additional information about the project, including past webinars and related documents, are available on the [Tiered Winery - Rural Residential Expansion](#) Engage Page.

Tiered Winery – DRAFT - Zoning Ordinance Amendments

6910 WHOLESALE LIMITED, BOUTIQUE, AND SMALL WINERIES

The provisions of Section 6910 shall be known as the Wholesale Limited, Boutique, and Small Wineries Regulations. The purpose of these regulations is to promote production of wine from fruit grown in San Diego County, to support local agriculture and to prescribe reasonable standards and procedures for the operation of wineries.

In the event of crop failure due to a natural disaster or other circumstances beyond operator's control (including but not limited to fire, drought, or pest infestation), the fruit-source percentage requirements as described in each winery tier (Wholesale Limited, Boutique, Small) may be temporarily waived by the Director of Planning and Development Services or their designee. Upon request, records providing evidence supporting the need for a temporary waiver shall be provided. The granted waiver must be consistent with the County Code of Regulatory Ordinances, Division 7, Chapter 9, Section 87.902 County Agricultural Grading and Clearing. On-site records shall include documentation demonstrating and justifying the reduced on-site production, such as photos documenting the natural disaster, pest infestation, or other circumstances, crop yield records, insurance claims, or other documentation at the request of the Director of Planning and Development Services or their designee.

Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited except for permitted uses consistent with the Zoning Ordinance and Agricultural Tourism as defined in Section [6157.b](#) if all qualifying criteria are met.

- a. Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:
 1. Prior to occupancy of the permitted winery structures and the production of wine, a Wholesale Limited Winery shall have a valid permit and bond issued by the U.S.

Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current **92** Winegrowers license issued by the California Department of Alcoholic Beverage Control (**ABC**). Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.

2. Allowable Zones: Wholesale Limited Wineries are permitted **by-right** subject to limitations of Section 6910.a. in the following zones: A70 – Limited Agricultural Use Regulations, A72 – General Agricultural Use Regulations, S92 – General Rural Use Regulations, and RR – Rural Residential Use Regulations. Refer to the Agricultural Use Types in Section 2990 Use & Enclosure Matrix for allowed uses by zone. Properties subject to an adopted Specific Plan shall be regulated in accordance with the provisions of that Specific Plan. Where the Specific Plan is silent on a particular matter, the provisions of this Zoning Ordinance shall apply. Where the Specific plan expressly references or applies zoning established in this Zoning Ordinance, the regulations applicable to that zone shall apply.
3. 2. **Direct-to-consumer wine sales are restricted to internet, phone and mail-order sales. Purchased wine may be mailed to the customer or made available for on-site pick up by-appointment only. On-site pick up is limited to no more than two (2) designated pick-up times per week. No other on-site activities are permitted including on-site tasting. On-site sales to the public of wine and other goods from the winery, tasting rooms, and/or special events, including but not limited to weddings and parties, are prohibited. Internet sales, phone sales and mail order sales are allowed.**
4. 3. The maximum floor area of a production facility (non-residential structure(s) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices) is limited as follows:

Table 6910.1 - Wholesale Limited Winery Production Facility Size Limitations

<i>Lot Size (gross)</i>	<i>Production Facility Size (cumulative maximum-)</i>
<u>0 to under <1 acre</u>	<u>1,000 square feet</u>
<u>1 acre to <2 acres</u>	<u>1,500 square feet</u>
<u>2 acres to <4 acre</u>	<u>2,000 square feet</u>
For each acre over 4 acres	<u>Add 200 square feet additional per acre, not to exceed 5,000 square feet</u>

Table Summary: This table describes the maximum allowable production facility size based on gross lot size. This table contains two columns. The first column lists ranges of gross lot sizes. The second column shows the corresponding maximum cumulative production facility size allowed for each lot size. For lots between 0 and under 1 acre, the maximum size is 1,000 square feet. For lots 1 to under 2 acres, the maximum is 1,500 square feet. For lots 2 to under 4 acres, the maximum is 2,000 square feet. For lots larger than 4 acres, an additional 200 square feet is allowed per acre over 4 acres, up to the maximum permitted limit.

No existing barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility for the Wholesale Limited Winery Use. However, these structure types may be converted to winery production structures if they are permitted and constructed in compliance with the applicable California building code.

5. ~~4.~~ Wine production shall be less than 12,000 gallons annually. A minimum of 25% of the winery's production shall be from fruit grown on the premises. ~~Up to A~~ maximum of 75% of the winery's production may be from sourced fruit/juice from inside or outside San Diego County.

Table 6910.2 - Wholesale Limited Winery Fruit Source Limitations

<i>SOURCE</i>	<i>PRODUCTION AMOUNT</i>	<i>GRAPES (FRUIT/JUICE)</i>	<i>WINE</i>
On-site	25% {minimum→}	Required	N/A <u>Not Applicable</u>
Within/Outside San Diego County	75% {maximum→}	Permitted	Prohibited
TOTAL	100%		

Table Summary: This table describes the production requirements on-site and within or outside of San Diego County. This table contains four columns. The first column, titled "Source," identifies whether production materials come from on site or from locations within or outside San Diego County. The second column, titled "Production Amount," shows the percentage of total production that may come from each source, including minimum and maximum allowable percentages. The third and fourth columns, titled "Grapes (Fruit/Juice)" and "Wine," indicate whether using grapes or wine from each source is required, permitted, or prohibited. The final row summarizes that total production equals 100 percent.

Should a certified custom crush winery be contracted for processing fruit grown on-site, the production must be located within San Diego County.

A new winery with planted vineyards that are not yet producing may produce wine from fruit sourced off-site for up to 3-years, provided that at least 75 percent of the fruit is grown within San Diego County.

- i. The owner of the winery shall keep records detailing the amount of fruit grown on the premises and the amount of fruit and/or juice imported from off the premises, to demonstrate compliance with this Section.
 - ii. The records shall indicate the dates of receipt and quantities of all imported fruit and/or juice and shall indicate the off-site growers name, address and location of the growing operation from which the fruit is imported.
 - i. All records shall be provided within 14 days of request by County staff.
- ~~6.~~ ~~5.~~ Wine production shall be less than 12,000 gallons annually.

7. ~~6.~~ All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
 8. ~~7.~~ A Wholesale Limited Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.
- b. Boutique Winery. A Boutique Winery shall comply with the following provisions:
1. Prior to the occupancy of the permitted winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current Type 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control (ABC). Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.
 2. Allowable Zones: Boutique wineries are permitted **by-right** in A70 – Limited Agricultural Use Regulations, A72 – General Agricultural Use Regulations, S92 – General Rural Use Regulations subject to the limitations of Section 6910b.
Within the RR - Rural Residential Use Regulations, Boutique Wineries are permitted by-right subject to the limitations of Section 6910b only if the following criteria are met:
 - i. The Boutique winery is located on parcel size of **three (3) acres or greater.**
 - ii. The Boutique Winery is located within a three-mile radius of an existing winery cluster (three or more visitor-serving wineries), or within an area where the average population density within a three-mile radius is at least 2,200 people per square mile.
 - iii. A Boutique Winery in the RR Use Regulation that does not meet the above criteria may be approved in accordance with the Administrative Permit Procedure commencing at Section **7050.**
- Properties subject to an adopted Specific Plan shall be regulated in accordance with the provisions of that Specific Plan. Where the Specific Plan is silent on a particular matter, the provisions of this Zoning Ordinance shall apply. Where the Specific Plan expressly references or applies zoning established in this Zoning Ordinance, the regulations applicable to that zone shall apply.
3. ~~2.~~ Wine production shall be less than 12,000 gallons annually. A minimum of 25% of the winery's production shall be from fruit grown on the premises. A minimum of 50% of the winery's production shall be from fruit grown in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. ~~No more than~~ A maximum of 25% of the winery's production

may consist of fruit, juice or ~~non-bottled~~ bulk wine sourced from outside San Diego County.

Table 6910.3 - Boutique Winery Fruit Source Requirements

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (minimum -)	Required	N/A <u>Not Applicable</u>
Within San Diego County	50% (min <u>minimum</u> -)	Permitted	Permitted
Outside San Diego County	25% (maximum -)	Permitted	Permitted
TOTAL	100%		

Table Summary: This table describes the allowed percentage of grapes that can be sourced from on-site, within San Diego County, and/or outside of San Diego County. This table contains four columns. The first column, titled "Source," identifies whether production materials come from on site or from locations within or outside San Diego County. The second column, titled "Production Amount," shows the percentage of total production that may come from each source, including minimum and maximum allowable percentages. The third and fourth columns, titled "Grapes (Fruit/Juice)" and "Wine," indicate whether using grapes or wine from each source is required, permitted, or prohibited. The final row summarizes that total production equals 100 percent.

Should a certified custom crush winery be contracted for processing fruit grown on-site, the production must be located within San Diego County.

For new winery with planted vineyards that are not yet producing may produce wine from fruit sourced off-site for up to three (3) years, provided that at least 75 percent of the fruit is grown within San Diego County.

- i. The owner of the winery shall maintain records detailing the total annual production amount of fruit grown on the premises and the amount of fruit, juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
 - ii. The records shall indicate the dates of receipt and quantities of all imported fruit, juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
 - iii. All records shall be provided within 14 days of request by County staff.
4. The maximum floor area of the production facility (non-residential structure(s)) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices, is limited as follows:

Table 6910.4 - Boutique Winery Production Facility Size

<i>Lot Size (gross)</i>	<i>Production Facility Size (cumulative maximum-)</i>
<u>0 to under <1 acre</u>	<u>1,000 square feet</u>
<u>1 acre to <2 acres</u>	<u>1,500 square feet</u>
<u>2 acres to <4 acre</u>	<u>2,000 square feet</u>
For each acre over 4 acres	<u>Add 200 square feet additional per acre, not to exceed 5,000 square feet</u>

Table Summary: This table describes the maximum allowable production facility size based on gross lot size. This table contains two columns. The first column lists ranges of gross lot sizes. The second column shows the corresponding maximum cumulative production facility size allowed for each lot size. For lots between 0 and under 1 acre, the maximum size is 1,000 square feet. For lots 1 to under 2 acres, the maximum is 1,500 square feet. For lots 2 to under 4 acres, the maximum is 2,000 square feet. For lots larger than 4 acres, an additional 200 square feet is allowed per acre over 4 acres, up to the maximum permitted limit.

No existing barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility, tasting/retail sales area, or live music area for the Boutique Winery. However, these structure types may be converted to winery production or tasting structures if they are permitted and constructed in compliance with the applicable California building code.

5. The Boutique Winery ~~structures permitted in Section 6910.b.4~~ may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. ~~Live music at Boutique Wineries must be accessory to winery sales and tasting activities, and no additional square footage shall be allowed for the live music use, beyond the tasting/retail sales area maximum square footage noted in this Section. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:~~
- ~~Sales and tasting activities shall not exceed 30% of the maximum allowable Production Facility total square footage as specified in Section 6910.b.4 and specified in the following table. For each parking space provided above the minimum requirement in Section 6910.b.12, an additional 25 square feet of tasting/retail sales area is allowed up to the cumulative maximum allowance detailed in Table 6910.5:~~

Table 6910.5 - Boutique Winery Allowed Tasting/Retail Sales Area

<i>Lot Size (gross)</i>	<i>Baseline Allowable Tasting /Retail Sales Area</i>	<i>Cumulative Maximum Tasting /Retail Sales Area</i>
<u>0 to under 1 acre</u>	<u>300 square feet</u>	<u>400 square feet</u>
<u>1 acre to 2 acres</u>	<u>450 square feet</u>	<u>550</u>

<u>2 acres to 4 acres</u>	<u>600 square feet</u>	<u>700</u>
<u>For each acre over 4 acres</u>	<u>30% of allowed production facility size square feet (see 6910.b.4)</u>	<u>30% of allowed production facility size square feet (see 6910.b.4) + 100 square feet</u>

Table Summary: This table describes the allowed tasting and retail sales area for production facilities based on gross lot size, as well as how much additional area may be added for extra parking spaces. The first column lists gross lot size ranges. The second column shows the base allowable tasting/retail sales area for each lot size. The final column lists the maximum cumulative tasting/retail area allowed after applying all additions. For lots 0 to under 1 acre, the allowable area is 300 square feet, with a cumulative maximum of 400 square feet. For lots 1 to 2 acres, the allowable area increases to 450 square feet, with a cumulative maximum of 550 square feet. For lots 2 to 4 acres, 600 square feet is allowed, with a cumulative maximum of 700 square feet. For each acre over 4 acres, the allowable area equals 30% of the permitted production facility size (per Section 6910.b.4), and the cumulative maximum equals that same 30% plus an additional 100 square feet.

- ii. Total site occupancy for a Boutique Winery shall not exceed the cumulative occupant load established by the California Building Code for all permitted winery structures and patios open to the public. Beyond the allowable occupancy limits within the defined Tasting and Retail Sales areas, up to 20 additional people are allowed within informal outdoor seating areas, such as grassy areas or dispersed picnic tables;
- iii. The tasting/retail sales area shall include areas accessible to patrons and dedicated to wine tasting, wine sales, food-related sales, and amplified music activities, including rooms, caves, trellises, covered or uncovered patios. Areas such as storage rooms, mechanical rooms, utility rooms, and employee-only areas, shall be counted towards production facility area;
- iv. i. All Boutique Winery structures and areas accessed by the public must be permitted and constructed in compliance with the applicable California commercial building code, including the requirements of the Americans with Disabilities Act, the Consolidated Fire Code, and Consolidated Wildland-Urban Interface Code in effect at the time building permits are issued;
- v. ii. Barns and agricultural storage buildings on the premises which are not permitted as part of the Boutique Winery production facility shall not be included for purposes of calculating the allowed area of the tasting/retail sales area;
- vi. iii. For the purposes of this Section, a tasting/retail sales area is defined as a room, cave, trellis and/or outdoor patio area (covered or uncovered) that is dedicated for wine tasting and sales of wines produced on-site, food-related items, and live music;
- vii. iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes; and

viii. ~~✗~~ Internet, phone and mail-order sales are allowed.

6. Events, including but not limited to weddings and parties, are prohibited except as provided in this Section. An event, for purposes of this Section, is defined as the use of the site for organized activities or gatherings, associated with wine sales, wine tasting, wine production, agricultural instruction, and educational tours. ~~including~~ Any activities or gatherings that ~~are~~ may be advertised, ticketed, or promoted as incidental to the promotion of the winery, provided all other performance standards are met. Allowed winery activities may be open to the public or may be limited to wine club members or other ticketed participants, and the winery may be closed to the public for private activities in order to limit entry. ~~The following types of activities and gatherings are allowed and can be advertised, ticketed and promoted as incidental promotion of the winery:~~

- ~~Wine production~~
- ~~Wine sales~~
- ~~Wine tasting~~
- ~~Agricultural instruction~~
- ~~Educational tours~~

Live music, as allowed subject to additional criteria in this Section, does not constitute a prohibited event provided it is incidental to the primary activities listed above, and does not require a separate paid ticket or entry fee. Allowed winery activities may be open to the public or limited to wine club members or other ticketed participants. For private activities, the winery may close in order to limit entry.

Pursuant to Section [6106](#) of the Zoning Ordinance, Community Events as defined in and as limited by [Chapter 2 of Division 1 of Title 2](#) of the San Diego County Code (sections [21.201](#) – [21.208](#)) may be allowed and subject to all applicable licenses required by the Sheriff pursuant to [Chapter 1 of Division 1 of Title 2](#) of the San Diego County Code (sections [21.101](#) – [21.117](#)).

7. Amplified, live, and mechanical music, ~~both indoor and outdoor~~, is allowed pursuant to the following requirements:
- i. Winery operators facilitating the performance of live music entertainment by entertainers ~~shall be~~ are subject to the San Diego County Code of Regulatory Ordinances, Title 2, Division 1, [Chapter 21](#) requirements regulating Entertainment Establishments (i.e., Entertainment Establishment License). An Entertainment Establishment License does not exempt a winery operator from any Zoning Ordinance requirements.
 - 1) Mechanical music produced only by a jukebox, radio, stereo system, hi-fi system, CD player, tape player or other similar device,

not accompanied by a disc jockey or other announcer, is allowed pursuant to all applicable standards, criteria, and regulations and is not subject to an Entertainment License.

- 2) A musical performance is not an Agricultural Tourism activity pursuant to Section [6157.b](#), private event, or concert.
- 3) A Boutique Winery and any accompanying live music shall not be considered a Section [1535](#) Spectator Sports and Entertainment use.
- 4) Live amplified music shall only be allowed during tasting room hours of operation, from 10:00 a.m. to legal sunset (until 6 p.m. from November 1 to March 1).
- 5) Musical performances can be advertised incidental to promoting a winery.
- 6) Karaoke is prohibited.
- 7) Prior to providing live amplified music, all necessary building permits must be obtained, and all outstanding code violations must be resolved.
- 8) Total site occupancy limits as provided in Section [b.465.ii](#) shall not be exceeded in order to accommodate live music.

~~8. Outdoor amplified music levels~~ All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control. Noise levels shall comply with the sound level limits at property lines as provided in the County of San Diego Code of Regulatory Ordinance, [Title 3, Division 6, Chapter 4](#), Section [36.404](#), General Sound Level Limits. (50 dBA at the property line). All sound measurements shall be conducted in accordance with guidelines provided in the San Diego County Code of Regulatory Ordinances [Title 3, Division 6, Chapter 4](#), Section [36.403](#), Sound Level Measurement. For the purposes of this Section, outdoor is defined as any location that is not within a fully enclosed structure.

8. Outdoor amplified ~~live~~ music shall ~~adhere to~~ is allowed in the A-70, A72, S-92 Use regulations subject to the rules in Section 6910.b.7 in addition to the following requirements:
 - i. Outdoor amplified music shall comply with the setback requirements and decibel levels provided in Table ~~6910.1~~ [6910.6](#), Sound Levels and Attenuating Setback Distances, ~~to ensure compliance with the County of San Diego Code of Regulatory Ordinances, [Title 3, Division 6, Chapter 4](#), Section [36.404](#), General Sound Level Limits.~~ for the purposes of this

Section, outdoor is defined as any location that is not within a fully enclosed structure

ii. ~~Amplifiers, speakers, and other music amplification devices shall adhere to a minimum 200-foot setback from all property lines. In accordance with Table 6910.1, additional setback distance will be required for sound levels greater than 75 dBA as measured 10 feet from the source.~~

iii. (ii) Outdoor amplified music ~~A Boutique Winery that cannot meet the Table 6910.1 6910.6 setback requirements for sound levels as measured 10 feet from the source, due to site specific constraints, or intends to provide outdoor amplified music louder than 92 dBA, as measured 10 feet from the source, shall submit a Zoning Verification Permit application, which shall include a site specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the can be located within a reduced setback if the following additional standards and requirements are met and sound level limits at property lines as provided in the County of San Diego Code of Regulatory Ordinance, Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits. In addition, the site specific noise study shall identify any required noise attenuating site design features that may be required to meet the property line noise limits. are maintained as follows:~~

- 1) Speakers must be oriented away from property lines and sensitive receptors.
- 2) Noise attenuation such as berms, fences, or orientation of the sound in relation to structures must be considered to minimize noise.
- 3) Active noise monitoring must be conducted during music events to ensure property line noise limits are not exceeded. All sound measurements shall be conducted in accordance with guidelines provided in the San Diego County Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.403, Sound Level Measurement.
- 4) A noise log documenting hourly average noise levels at the property line must be maintained on-site at all times during live and amplified music activities. All records shall be provided within 14 days of request by County staff.
- 5) If any instance of non-compliance is documented, based on an investigation by the PDS Code Compliance Division, the operator may be required to cease outdoor amplified music activities, comply

with standard setbacks defined in Table 6910.6, and submit and obtain approval of a Zoning Verification Permit.

- iii. Within RR Use Regulation, outdoor amplified music is only allowed upon the issuance of a Zoning Verification Permit described in Section 6910.b.8.iv.
- iv. ~~A Boutique Winery that is found to be providing live music in excess of property line sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits, based on an investigation by the PDS Code Compliance Division, can be required to submit~~ When required, a Zoning Verification Permit application for outdoor amplified music, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits. In addition, the site-specific noise study shall identify any required noise attenuating site design features that may be required to meet the property line noise limits.

Table 6910.46 Sound Levels and Attenuating Setback Distances

Music Volume Level	Sound Level 10 feet from source (dBA ¹)	Required Setback from Property line (Feet) ²
Quieter ↓ Louder	75	200 <u>178</u>
	76	225 <u>200</u>
	77	250 <u>224</u>
	78	275 <u>252</u>
	79	300 <u>282</u>
	80	350 <u>317</u>
	81	400 <u>355</u>
	82	450 <u>399</u>
	83	500 <u>447</u>
	84	550 <u>502</u>
	85	600 <u>563</u>
	86	650 <u>631</u>
	87	700 <u>708</u>
	88	800 <u>795</u>
	89	900 <u>892</u>
	90	1,000
	91	1,200 <u>1,122</u>
	92	1,400 <u>1,256</u>

1. A-Weighted Sound Level (dBA): The sound level in decibels as measured on a sound level meter using the A-weighted network.

The A-weighted network measures sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.

2. Setback distances are calculated to ensure a sound level of less than 50 dBA at the property line.

Table Summary: This table has three columns. The first column, titled "Music Volume Level," uses a visual arrow to show that the values increase from quieter levels at the top to louder levels at the bottom. The second column, titled "Sound Level 10 feet from source (dBA)," lists increasing sound levels in decibels as the rows progress downward. The third column, titled "Required Setback from Property Line (Feet)," lists the minimum setback distance required for each corresponding sound level. Higher sound levels require larger setback distances. Footnotes below the table explain how A weighted decibel levels are measured and describe the purpose of the setback distances.

9. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
10. The sales and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health and Quality (DEHQ). Catered food service is allowed by a DEHQ-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
 - i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in 6910.b.11;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from DEHQ and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
11. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven (7) days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
12. A minimum of six (6) standard parking spaces shall be provided for patrons using the Boutique Winery, and a minimum of three (3) standard spaces shall be provided for Boutique Winery operations and employees. No parking for a Boutique Winery is allowed off the premises.
13. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with chip seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes. Driveway and parking area surface requirements are subject

to the Consolidated Fire Code and will be determined by the applicable fire service provider. Any disabled access parking stalls, access aisles, and accessible routes provided for compliance with California Building Code chapter 11B shall be stable, firm, and slip-resistant.

14. Vehicles with a capacity in excess of 15 passengers are not allowed to serve the Boutique Winery. Vehicles with a capacity in excess of 15 passengers are not allowed to serve the Boutique Winery except where the winery is closed to the public for private activities and total site occupancy as defined by the California Building Code is not exceeded.

15. A Boutique Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.

~~16. Total site occupancy for a Boutique Winery shall be limited to the combined sum of the maximum occupancy for all permitted winery structures and patios (covered and uncovered patios) open to the public. During building permit review and as part of PDS input for Entertainment Establishment licensing (for wineries seeking an Entertainment Establishment license to host live music), the PDS Building and Zoning Division will set maximum occupancy for all commercial winery structures and patios open to the public, to inform the maximum site occupancy.~~

c. Small Winery. A Small Winery shall comply with the following provisions:

1. Prior to the occupancy of the permitted winery structures and the production of wine, a Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current Type 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control (ABC). The applicant shall disclose if any other licenses issued by ABC will be relied upon for operations at the Small Winery.

2. Allowable Zones: Small wineries are permitted in accordance with the Administrative Permit Procedure commencing at Section 7050 in the following zones: A70 – Limited Agricultural Use Regulations, A72 – General Agricultural Use Regulations, S92 – General Rural Use Regulations subject to the limitations of Section 6910.c. Within the RR – Rural Residential Use Regulations, Small Wineries are permitted subject to the limitations of Section 6910.c.

i. Refer to the Section 2990 Use & Enclosure Matrix: Properties subject to an adopted Specific Plan shall be regulated in accordance with the provisions of that Specific Plan. Where the Specific Plan is silent on a particular matter, the provisions of this Zoning Ordinance shall apply. Where the Specific plan expressly references or applies zoning established in this Zoning Ordinance, the regulations applicable to that zone shall apply.

3. 2- Wine production shall be less than 120,000 gallons annually. A minimum of 25% of the winery's production shall be from fruit grown on the premises. An additional minimum of 25% of the winery's production shall be from fruit grown or juice/wine produced in San Diego County with San Diego County grown grapes. A maximum of 50% of the winery's production may consist of sourced fruit, juice or wine from outside San Diego County.

Table 6910.7 Small Winery Fruit Source Requirements

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (minimum -)	Required	N/A-Not Applicable
Within San Diego County	25% (min <u>minimum</u> -)	Permitted	Permitted
Outside San Diego County	50%-(maximum -)	Permitted	Permitted
TOTAL	100%		

Table Summary: This table describes the allowed percentage of grapes that can be sourced from on-site, within San Diego County, and/or outside of San Diego County. This table contains four columns. The first column, titled "Source," identifies whether production materials come from on site or from locations within or outside San Diego County. The second column, titled "Production Amount," shows the percentage of total production that may come from each source, including minimum and maximum allowable percentages. The third and fourth columns, titled "Grapes (Fruit/Juice)" and "Wine," indicate whether using grapes or wine from each source is required, permitted, or prohibited. The final row summarizes that total production equals 100 percent.

Should a certified custom crush winery be contracted for processing fruit grown on-site, the production must be located within San Diego County.

For new winery with planted vineyards that are not yet producing may produce wine from fruit sourced off-site for up to three (3) years, provided that at least 75 percent of the fruit is grown within San Diego County.

- i. The owner of the winery shall maintain records detailing the amount of fruit grown on the premises (including properties pursuant to subsection iv) and the amount of fruit/juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
- ii. The records shall indicate the dates of receipt and quantities of all imported fruit/juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
- iii. All records shall be provided within 14 days of request by County.
- iv. "Fruit grown on the premises," as that phrase is used above in c.3, may include fruit grown on a separate property or properties under the same ownership or lease as the Small Winery, provided all of the following criteria are met:

- 1) "Separate property" or "properties" shall mean parcels located within the County that are not contiguous to one another, are under the same ownership or lease as the Small Winery, and are part of the same Small Winery operation;
 - 2) All properties shall be clearly delineated and included as part of the Small Winery Administrative Permit and shall be subject to all conditions of approval;
 - 3) Only one of the parcels shall have the wine production facilities, tasting area and/or event areas. That parcel shall be a minimum of 4 acres in size;
 - 4) For wineries smaller than eight (8) acres in size, at least 50% of the "fruit grown on the premises" shall be grown on the parcel which contains the wine production facilities and tasting area. For wineries eight (8) acres or larger in size, at least 25% of the "fruit grown on the premises shall be grown on the parcel which contains the wine production facilities and tasting area;
 - 5) Events of any kind are permitted only on the parcel which contains the production facility, tasting area, and approved event areas. No events shall be permitted on any of the other properties included as part of the Small Winery.
4. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Small Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.
- i. One mobile food facility may be allowed on the Small Winery premises to serve the patrons during the approved hours of operation;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
5. Events, including but not limited to weddings and parties, may be allowed as specified in the Administrative Permit upon the making of the findings in Section

6910.c.6. Events shall comply with the requirements of Section [21.201](#) et seq. of the County Code.

Pursuant to Section [6106](#) of the Zoning Ordinance, Community Events as defined in and as limited by [Chapter 2 of Division 1 of Title 2](#) of the San Diego County Code (sections [21.201](#) – [21.208](#)) are allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections [21.201](#) – [21.117](#)).

6. An Administrative Permit for a Small Winery is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section [7050](#) if it is found:
 - i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - 1) Harmony in scale, bulk, coverage and density.
 - 2) The availability of public facilities, services, and utilities
 - 3) The harmful effect, if any, upon desirable neighborhood character.
 - 4) The generation of traffic and capacity and physical character of surrounding streets.
 - 5) The suitability of the site for the type of intensity of use or development which is proposed.
 - 6) Any other relevant impact of the proposed use.
 - ii. That the impacts, as described in the paragraph “i” of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
 - iii. That the requirements of the California Environmental Quality Act have been complied with.
 - iv. Notice shall be provided pursuant to Section [7060](#).c. No hearing is required unless requested by the applicant or other affected person pursuant to Section [7060](#).d.
7. A Small Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.

(Added by Ord. No. 9940 (N.S.) adopted 6-18-08)

(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

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(Amended by Ord. No. 10653 (N.S.) adopted 1-29-20)

(Amended by Ord. No. 10974 (N.S.) adopted 2-11-26)

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