

Winery Ordinance Amendment - Public Review Comment Summaries: October 9 - November 23, 2015

#	Date Received	Author	Summary	Action
1	Oct. 9, 2015	Michael Dwyer	<ol style="list-style-type: none"> <li>1) b.11, Not allowing outdoor amplified music affects a wineries ambiance for the wine tasting experience.</li> <li>2) Playing live music without amplification is difficult for the performer to perform with comfort. Patrons, not within a close proximity, cannot adequately hear the music.</li> <li>3) The decibel levels used in this format are low and well beneath county noise ordinances.</li> </ol>	<ol style="list-style-type: none"> <li>1) b.11, The existing ordinance and the Final EIR for the winery ordinance (page 2.5-9) specifically states that amplified sound is not allowed. This requirement must remain unless an amendment to the Final EIR is processed to revise that requirement. Clarification is being added that only “outdoor” amplified sound is not allowed.</li> <li>2) Comment noted.</li> <li>3) Limitations of the County Noise Ordinance also apply to all activities conducted on a winery property.</li> </ol>
2	Nov. 5, 2015	S. Elaine Lyttleton & Norman A. Case, Hatfield Creek Vineyards & Winery	<p>Regarding both Wholesale Limited &amp; Boutique winery sections:</p> <ol style="list-style-type: none"> <li>1) a.3 &amp; b.4, Opposes added language that “No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility or tasting/retail sales area”. All boutique wineries began by using garages, barns, sheds and other such buildings to produce wine. Planting, growing &amp; harvesting grapes, and producing, aging and selling wines is an 8 year process minimum before any income is generated. A several hundred thousand dollar facility (including machinery and equipment) would need to be built prior to any of this.</li> <li>2) a.4 &amp; b.3, Added restrictions related to sourcing of fruit, wine, and fruit grown on premises, is making a working wage for a family is impossible.</li> </ol>	<ol style="list-style-type: none"> <li>1) a.3 and b.4, Barns, agricultural storage buildings and other accessory structures are allowed on a property with a single family dwelling or other farming use. This section clarifies that those structures may not be counted toward the winery production area or for tasting rooms for commercial wineries (Wholesale, Boutique). The structures may be converted to winery production facility use within the size limitations of the ordinance and with appropriate permits.</li> <li>2) a.4 &amp; b.3, The sourcing restrictions (percentages) are unchanged from the existing ordinance. Clarification added that wine produced off of the premises may not be used or sold at a Wholesale winery and wine produced outside the County may not be used or sold at a Boutique Winery.</li> <li>3) b.5, Wholesale sales are allowed at all wineries. Clarification has been added to this section (See Attachment A).</li> </ol>

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			<p>3) b.5, Retail internet, phone, and mail-order sales are allowed. Wholesale must be allowed too.</p> <p>4) b.6, Opposes added language for Boutique Wineries events stating that any activities or gatherings that are advertised or promoted are prohibited. Questions how owners are supposed to get customers to attend anything to do with wine production, wine sales, wine tasting, agricultural instruction, and educational tours, without advertising or promotion.</p> <p>5) b.11. and b.12, Questions duplicative regulation that outdoor amplified sound is not allowed, when the requirement that operations shall comply with Noise Abatement and Control code.</p> <p>6) b.13, Questions the proposed revision that “outdoor eating areas shall be... used only during the hours of operation specified in subsection b.8.”, whether this is intended to prohibit private use by property owner.</p> <p>7) b.14, Suggests that the restriction on vehicles with a capacity of 12 passengers be increased to 21 or 23 to match vehicle sizes typically used by tour companies.</p>	<p>4) b.6, Events are prohibited at Boutique Wineries in the existing ordinance. Clarification is added to define an event. The proposed language prohibits advertising events “other than wine production, wine sales, wine tasting, agricultural instruction and educational tours”. There is no restriction to advertising or promoting wine tasting or wine sales.</p> <p>5) b.11, The existing ordinance and the Final EIR for the winery ordinance (page 2.5-9) specifically states that amplified sound is not allowed. This requirement must remain unless an amendment to the Final EIR is processed to revise that requirement. Clarification is being added that only “outdoor” amplified sound is not allowed.</p> <p>6) b.12, Limitations of the County Noise Ordinance also apply to all activities conducted on a winery property.</p> <p>7) b.13, limits outdoor eating areas to a maximum of five tables and seating for no more than 20 people. A minor amendment is proposed to add that these areas “shall be used only during the hours of operation specified in subsection b.8”. The draft language has been amended to state that outdoor areas shall be used “in conjunction with allowed Boutique Winery operations” only during the hours specified in subsection b.8”. The ordinance does not prohibit a property owner from the private use and enjoyment of their own property.</p> <p>8) b.14, The size of vehicles allowed at Boutique Wineries is limited in order to reduce impacts related to vehicles and traffic on private roads. As stated in the FEIR, (page 2.6-13) the County</p>
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				<p>classifies private roads as local roads that have not been declared or accepted for public use and/or County-maintenance. The design of private roads varies, they may be paved or unpaved and range in width between 20 and 30 feet. As stated in the FEIR, (page 2.6-14) "Future Boutique Wineries would be required to provide a minimum of six parking spaces for customers and three spaces for employees/operations. This number of spaces would provide adequate parking capacity because operations are smaller and are not expected to draw large numbers of guests at any one time". In order to allow vehicles accommodating more than 20 passengers an amendment to, and recirculation of, the previously certified Final EIR would be required.</p>
3	Nov. 6, 2015	Maria Bowman	<ol style="list-style-type: none"> <li>1) Winery plan is good for the land, community and keeping open space</li> <li>2) Suggests owners provide customer transportation, golf carts, horse carriages to keep traffic under control and fun</li> </ol>	<ol style="list-style-type: none"> <li>1) Comment noted.</li> <li>2) All customer parking must be accommodated on-site, as required by Zoning Ordinance.</li> </ol>
4	Nov. 2, 2015	Kimberly McLellan	<p>Has questions about the ordinance:</p> <ol style="list-style-type: none"> <li>1) Does not see any enforcement of the terms. Currently neighbors have to call Sheriff non-emergency lines. No guarantee that Sheriff Department staff are available to respond.</li> <li>2) Currently no enforcement of the guidelines.</li> <li>3) Questions whether there are consequences for not following the guidelines.</li> <li>4) Questions the registration of complaints, whether there will be any random checks.</li> <li>5) The Small Winery AD Permit has no provision for the total number of events allowed. The</li> </ol>	<ol style="list-style-type: none"> <li>1) Procedures for enforcement of the provisions of the Zoning Ordinance are in Section 7700 of the Ordinance. Enforcement of the Zoning Ordinance is the responsibility of the Director of Planning &amp; Development Services. This section includes authority for enforcement of violations and penalties. Enforcement authorities for the various regulations in the County Code, including the Noise regulations, are contained therein and may be under the authority of various departments, including the Sheriff.</li> <li>2) See response 1)</li> </ol>

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			<p>amount of events has a large impact on the community and quality of life.</p> <p>6) Questions why AD Permits have been approved without traffic impact studies. Events create traffic impacts on her private road and noise from 10 am to 10 pm.</p> <p>7) Questions why Small Winery AD Permits are approved without input from immediate impacted community.</p> <p>8) With very few restrictions in the Small Winery section, it appears that someone can buy their way out of restrictions and enforcement.</p> <p>9) Winery ordinance does not take into account those who do not own wineries.</p>	<p>3) Zoning Ordinance Section 7703, Violations and Penalties, contains the authority and procedures for Enforcement of the regulations contained in the Ordinance and the penalties associated with violations on properties.</p> <p>4) The Code Compliance Division receives and responds to complaints related to potential violations of the Zoning Ordinance and Building Codes. Records of complaints are maintained pursuant to Department policies. If a complaint is received related to the operation of a Winery, Codes staff would investigate and provide a written notification to the property owner if the violation is substantiated. At this time, random checks of wineries are not anticipated.</p> <p>5) The Administrative Permit process for a Small Winery would establish the number and frequency of events allowed at a Small Winery. Each is reviewed on a case-by-case basis with consideration given to the unique characteristics and limitations of the property, compliance with CEQA and the input received from surrounding property owners.</p> <p>6) The AD Permit process requires review for conformance to CEQA Guidelines, which includes potential impacts to traffic. A Traffic Study may be required for a project, as determined during the initial study.</p> <p>7) All property owners within 300 feet of a proposed Small Winery project, and a minimum of 20 different owners, are noticed when an Administrative Permit application is submitted. Neighboring owners may provide input to PDS related to a proposed project. Neighbors may</p>
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				<p>also request a public hearing pursuant to Section 7060.d of the Zoning Ordinance.</p> <p>8) Restrictions placed on a Small Winery through the Administrative Permit process are subject to the Enforcement Procedures (ZO Section 7700). If a complaint is filed, and a violation is substantiated, the Violations and Penalties are applicable.</p> <p>9) The limitations contained in the ordinance are intended to allow wineries in agricultural areas while providing specific size and operating limitations intended to reduce or avoid impacts to surrounding properties from the by right operations. An Administrative Permit is required for Small Wineries. Through this process, neighbors are notified of the application. This process is intended to ensure that the increased wine production, tasting areas and any proposed events are adequately reviewed and necessary conditions are included in the permit to comply with CEQA Guidelines and to reduce impacts to the surrounding area.</p>
5	Nov. 20, 2015	Barbara Kohler	1) Governments should support small wineries, not make extra restrictions.	1) No new regulations are proposed, clarifications only.
6	Nov. 20, 2015	Russ Snow, Avocado Farmer	<p>1) Supports efforts of grape growers to continue make a living in county from agriculture.</p> <p>2) Dismayed by many of the new restrictions that are proposed.</p> <p>3) Supports the requirement for grapes and wines to be made and grown in San Diego</p> <p>4) Opposes restricting size of storage facilities, production, as well as limiting the number of people that can eat, counterproductive to the survival of these new agribusinesses.</p>	<p>1) Comment noted.</p> <p>2) No new regulations are proposed, clarification only.</p> <p>3) Boutique Winery limitations on the size of the by-right winery structures and limitations to the seating for outdoor eating areas were specified in EIR for the Winery Ordinance. Only limited food service is allowed at a Boutique Winery. Additional structures and increased seating area may be allowed with the approval of an</p>

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			5) Opposes addition of new laws on farmer/producers.	Administrative Permit for a Small Winery.
7	Nov. 21, 2015	Teri Kerns, Ramona Ranch Vineyard & Winery	<p>1) 6910 Preamble, Opposes restriction on commercial activities, it is vague, open to interpretation and limits potential for supporting businesses. Questions whether selling olives, eggs or vegetables grown on the property is prohibited. Recommends that this statement be removed.</p> <p>2) b.4 Opposes restriction on existing barns, ag storage buildings being used as winery facility, these are used to start the winery. Building a new structure would limit the ability of most to enter the winery market, suggests that the use of these agricultural buildings be allowed.</p> <p>3) Additional area needed for vineyard equipment to be maintained and stored, most used once a year in harvest and production of wine. Conflicts with recent Storm Water requirements that all equipment be stored under cover.</p> <p>4) b.4, Recommends revision to state “barns and agricultural buildings on the premises shall not be used for wine tasting without the proper permits”.</p> <p>5) b.4, The floor area limitation of the production facility is not realistic (example provided). Recommends change to allow additional 500 sf per acre for each acre over 4, not to exceed 10,000.</p> <p>6) b.6, Opposes the addition of “parties” to prohibited events and addition that advertising and promotions of any events is</p>	<p>1) 6910, Existing regulations are specific to the production of wine from grapes grown on the winery premises. The proposed language clarifies that this is an agricultural ordinance and to limit unauthorized commercial activities which are not related to the production of wine. A retail sales area is allowed to sell wine produced at the winery, in addition to pre-packaged food items. However, the sale of eggs or vegetables produced on a property is a separately regulated use (Agricultural Stand) and would not be allowed as part of the retail sales for wine produced on the site.</p> <p>2) b.4, Barns, agricultural storage buildings and other accessory structures are allowed on a property with a single family dwelling or other farming use. This section clarifies that those structures may not be counted toward the winery production area or for tasting rooms for commercial wineries (Wholesale, Boutique). The structures may be converted to winery production facility use within the size limitations of the ordinance and with appropriate permits.</p> <p>3) Staff feels that storage of large equipment, some of which is only used one time per year, could be considered separately from the limited production facility. The equipment is typically associated with the grape growing on the site rather than wine production. In order to provide flexibility to the winery owners and to maintain compliance with the Final EIR, staff would consider this storage separately from the</p>

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			<p>prohibited. Not in-line with the promotion of Agro-tourism.</p> <p>7) Other wine regions in California allow boutique wineries a limited number of events per year by-right (provided example for Napa). Recommends that boutique wineries be allowed to host no more than 24 events per year, not to exceed 100 guests by right, without a special permit, CEQA exempt.</p> <p>8) b.7, Appreciates addition of a mobile food facility. Recommends the addition that caterers be allowed to operate within the constraints of their own specific licenses.</p> <p>9) b.11, Prohibits outside amplified music. Recommends revision stating "Music is allowed in compliance with the existing County Noise Ordinances."</p> <p>10) b.13, States outdoor eating areas shall only be used during the hours specified in the ordinance. Recommends revision to clearly not apply to property owner when the winery is not open. Suggests "outdoor eating areas shall only be used by the public during the hours specified in the ordinance".</p> <p>11) Provided information on Agritourism based on University of California &amp; American Farm Bureau, regarding economic benefits to small farms and rural communities.          Provided information from CA Wine Institute's 2013 Report regarding positive economic impact from the growth of the wine industry</p>	<p>production facility. Staff will work with stakeholders to create a separate "Frequently Asked Questions" (FAQ) handout to address the particular types of equipment that may be excluded from the "winery production facility" limitations.</p> <p>4) See response 2).</p> <p>5) b.4, The limitations on the size of the winery structures by-right were specified within the Winery EIR and ensure consistency with land use and compatibility to surrounding areas (EIR page 1-37). Any changes to the size of structures allowed by right would require an amendment to, and recirculation of, the Final EIR.</p> <p>6) b.6, Current ordinance states "Events, including but not limited to weddings and parties, are prohibited". This language was adopted with the ordinance in 2010. Additional language is being added to clarify the term "event".</p> <p>7) Boutiques Wineries are a "by right" use, with specific limitations to reduce the potential impacts from increased traffic, parking areas and vehicles. The FEIR specified that "events, including but not limited to weddings and parties, are prohibited" at Boutique Wineries (page I-37). In order to allow events at a winery, an Administrative Permit for a Small Winery is required. Allowing events at Boutique Wineries would require an amendment to, and recirculation of, the Final EIR. In Napa County, tasting rooms, number of allowed visitors and events are determined by a Use Permit. Only events related to wine education are allowed.</p>
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				<p>8) b.7, No changes are proposed to the existing language regarding catered food. Caterers must comply with the requirements of the Department of Environmental Health (DEH) and the state codes related to food safety. Current DEH regulations require caterers to prepare foods in a licensed kitchen; however there are allowances for limited “finishing” of the food at the location. There are no changes proposed to the existing language related to catering. We are proposing to add an allowance for a mobile food facility at a Boutique Winery to provide an additional food preparation option while assuring that food is safely prepared and served.</p> <p>9) b.11 &amp; b.12, The existing ordinance and the Final EIR for the winery ordinance (page 2.5-9) specifically states that amplified sound is not allowed. This requirement must remain unless an amendment to the Final EIR is processed to revise that requirement. Clarification is being added that only “outdoor” amplified sound is not allowed.</p> <p>Limitations of the County Noise Ordinance also apply to all activities conducted on a winery property. The winery ordinance applies to the winery operations. The draft ordinance proposes to add “shall be used only during the hours of operation specified in subsection b.8” which is the section that states the allowed hours of operation of the winery. The ordinance does not restrict the property owner from the enjoyment and use of the property outside of the winery hours of operation.</p>
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				<p>10) b.13, Limits outdoor eating areas to a maximum of five tables and seating for no more than 20 people. A minor amendment is proposed to add that these areas “shall be used only during the hours of operation specified in subsection b.8”. The draft language has been amended to state that outdoor areas shall be used “in conjunction with allowed Boutique Winery operations only during the hours specified in subsection b.8”. The ordinance does not prohibit a property owner from the private use and enjoyment of their own property.</p> <p>11) Agricultural Tourism is defined in the Zoning Ordinance as follows: “The act of visiting a commercial agricultural enterprise for the purpose of enjoyment, education or active involvement in the activities of the farm, ranch or agricultural operation.” Agricultural Tourism does not allow events, including weddings or parties. The Winery Ordinance does not conflict with the allowed Agricultural Tourism regulations, tours of the winery and education of visitors about the wine making on site are allowed.</p>
8	Nov. 21, 2015	Frankie Berkley Newberg, Ramona business owner Sun Valley Florist	<p>1) Opposes restrictions on Wine Boutiques.</p> <p>2) I have a small business in Ramona, CA and so many of my friends are struggling to make a living with their investments in their vineyards and Wine Tasting Rooms. It would be so devastating for them to loose their income.</p>	<p>1) No new regulations are proposed, clarification only.</p> <p>2) Comment noted.</p>
9	Nov. 21, 2015	Darrell Carver Ramona resident	<p>1) Supports Boutique wineries having the opportunity for more sheds to organize and protect their equipment from the elements.</p> <p>2) b.6, Supports small operators to be able to</p>	<p>1) Staff will work with stakeholders to create a separate “Frequently Asked Questions” (FAQ) handout to address the particular types of equipment that may be excluded from the</p>

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			<p>host small events, including offering food, shuttles, and limited entertainment.</p> <p>3) Now is not the time to limit winery opportunities, they continue to breath life into the community.</p> <p>4) If we are going to continue to allow billboard advertising of casinos on tribal lands, gun shows, vapor shops who focus on our youth, and endless real estate companies, there is room for these wineries to advertise their presence.</p>	<p>“winery production facility” limitations. Equipment associated with the production of wine must be stored within the wine production facility structure. Additional area may be allowed with approval of an Administrative Permit.</p> <p>2) b.6, Events are prohibited at Boutique Wineries in the existing ordinance. Clarification is added to define an event. The proposed language prohibits advertising events “other than wine production, wine sales, wine tasting, agricultural instruction and educational tours”. There is no restriction to advertising or promoting wine tasting or wine sales. Events are allowed at Small Wineries upon approval of an Administrative Permit. Limited food service is currently allowed at a Boutique Winery. Shuttles would not be allowed, all parking for visitors must be accommodated on the winery property.</p> <p>3) No new regulations are proposed, clarifications only.</p> <p>4) Advertising the winery, wine tasting and any other permitted uses is allowed. Billboard advertising is a separately regulated use in the Zoning Ordinance.</p>
10	Nov. 22, 2015	Boulevard Community Planning Group, Donna Tisdale, Chair	<p>1) Need for groundwater protection through restricted use and monitoring to prevent potential for overdraft and off-site impacts where groundwater is the sole source of water available.</p> <p>2) Use of drought tolerant varieties of grapes required in areas where groundwater is the</p>	<p>1) Groundwater use was analyzed in the EIR and the impacts were determined to be significant and unmitigated (Table S-1). No changes are proposed to the ordinance which would result in additional impacts groundwater resources.</p> <p>2) Zoning Ordinance does not regulate the variety of grape grown.</p>

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			sole source of water available.	
11	Nov. 22, 2015	Ramona Valley Winery Association, Carolyn Harris, Vice-President and General Counsel	<ol style="list-style-type: none"> <li>1) 6156 a.1, b.1 &amp; c.1, suggests removing licensing requirement in advance of occupancy and production of wine.</li> <li>2) a.2, Wholesale Limited Wineries are allowed to sell wine on retail basis via internet, phone or mail, suggests removing “wholesale” from last sentence.</li> <li>3) a.4 and b.3, Suggests rewording of source and production location requirements and removal of tables for Limited Wholesale and Boutique Wineries. Suggests removal of wording prohibiting wine produced off-site from being used in the winery’s production or sold from the premises.</li> <li>4) b.6, Suggests revisions to the definition of events. Suggests removal of wording related to advertising or promoting events. All events are prohibited, whether or not they are advertised</li> <li>5) b.8, Opposes extension to the hours of operation. The EIR assumptions related to noise and traffic were limited to daytime impacts.</li> <li>6) c.3.iv, Small wineries must grow at least 25% of fruit on-site. Opposes allowance for fruit grown on a separate property to be included in on-site production.</li> </ol>	<ol style="list-style-type: none"> <li>1) a.1, b.1 &amp; c.1, This revision was added at the request of County staff to clarify that the 02 Winegrowers license is not required in order to apply for a building permit. Rather, must be obtained prior to occupancy of the structure (at final building inspection) and prior to producing wine. The requirement for licensing and occupancy applies to Wholesale Limited, Boutique and Small Wineries. The ordinance does not apply to a household making wine for personal or family use.</li> <li>2) a.2, Section revised to remove “wholesale” in final draft (Attachment A).</li> <li>3) a.4, Table added to clarify sourcing limitations. Clarification added that wine produced off of the premises may not be used or sold at a Wholesale winery and wine produced outside the County may not be used or sold at a Boutique Winery.</li> <li>4) b.6, Comment noted.</li> <li>5) b.8, The minor change to the hours of operation would not result in any new significant impacts since change only occurs for 4 months of the year and the increase would be between 14 minutes on March 1<sup>st</sup> up to one hour and 13 minutes on the shortest day of the year.</li> <li>6) c.3.iv, Comment noted, minor amendment made to this section pursuant to comments received from Ramona CPG.</li> </ol>
12	Nov. 23, 2015	Micole Moore, Ramona Ranch Vineyard & Winery,	<ol style="list-style-type: none"> <li>1) 6910, Concerned about the limitations imposed on complimentary businesses (Olive Oil, Eggs, Vegetables, selling tasting room</li> </ol>	<ol style="list-style-type: none"> <li>1) The ordinance currently allows a retail sales area included in the allowed square footage for a tasting room. The retail area can sell wine</li> </ol>

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		<p>Ramona Valley Vineyard Association, President</p>	<p>materials, T shirts and jewelry etc.)</p> <p>2) a.3 &amp; b.4, Disallowing the use of “barns, agriculture storage buildings and/or other accessory structures permitted pursuant to Section 6156.” as a production facility for the Wholesale Limited Winery would eliminate start-ups and is in conflict with the Storm Water run-off regulations which require storage under cover.</p> <p>3) Maximum floor space limitation is inadequate to support a winery. Recommends change to allow additional 500 sf per acre for each acre over 4, not to exceed 5000 and remove the inclusion of trellis’s and covered/uncovered patios in the square foot calculation.</p> <p>4) b.6, Opposes restricting a winery from advertising and promotions, limits sales, may be illegal and is in conflict with the State’s stated goal of the promotion of Agro-tourism.</p> <p>5) b.7, Disallowing licensed caterers to prepare or finish food on-site curtails activities permitted under their licensure. Proposes revision to state “No Unlicensed food preparation on site”.</p> <p>6) b.11, Opposes prohibiting outside amplified sound, punitive to wineries that do not have indoor tasting rooms.</p> <p>7) b.13, Opposes limiting the use of the outdoor space to the authorized hours; wineries are on private property. Suggests revising wording to “no use of the public after business hours”.</p> <p>8) b.14, Prohibiting typical tour vans (seating 20 – 24) effectively prohibits professionally</p>	<p>produced at the winery, in addition to pre-packaged food items. The sale of eggs or vegetables produced on a property is a separately regulated use (by the Zoning Ordinance and state Health and Safety codes) and would not be allowed as part of the retail sales for wine produced on the site.</p> <p>2) a.3 &amp; b.4, Barns, agricultural storage buildings and other accessory structures are allowed on a property with a single family dwelling or other farming use. This section clarifies that those structures may not be counted toward the winery production area or for tasting rooms for commercial wineries (Wholesale, Boutique). The structures may be converted to winery production facility use within the size limitations of the ordinance and with appropriate building permits.</p> <p>3) The limitations on the size of the winery structures by-right were specified within the Winery EIR and ensure consistency with land use and compatibility to surrounding areas (EIR page 1-37). Any changes to the size of structures allowed by right would require an amendment to, and recirculation of, the Final EIR. Trellis and patios are included in the description of “outdoor seating areas” and are not calculated in the production facility area unless they are used in the wine production process.</p> <p>4) b.6, Advertising the winery, wine production, wine tasting and other allowed operations is not prohibited.</p> <p>5) b.7, No changes are proposed to the existing</p>
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			<p>driven wine tours from visiting Boutique wineries. Concerned about public safety, professional drivers are strictly prohibited from drinking any alcohol.</p>	<p>language regarding catered food. Caterers must comply with the requirements of the Department of Environmental Health (DEH) and the state codes related to food safety. Current DEH regulations require caterers to prepare foods in a licensed kitchen; however there are allowances for limited “finishing” of the food at the location. We are proposing to add an allowance for a mobile food facility at a Boutique Winery to provide an additional food preparation option while assuring that food is safely prepared and served.</p> <p>6) b.11 &amp; b.12, The existing ordinance and the Final EIR for the winery ordinance (page 2.5-9) specifically states that amplified sound is not allowed. This requirement must remain unless an amendment to the Final EIR is processed to revise that requirement. Clarification is being added that only “outdoor” amplified sound is not allowed. Limitations of the County Noise Ordinance also apply to all activities conducted on a winery property.</p> <p>7) b.13, Limits outdoor eating areas to a maximum of five tables and seating for no more than 20 people. A minor amendment is proposed to add that these areas “shall be used only during the hours of operation specified in subsection b.8”. The draft language has been amended to state that outdoor areas shall be used “in conjunction with allowed Boutique Winery operations” only during the hours specified in subsection b.8”. The ordinance does not prohibit a property owner from the private use and enjoyment of</p>
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				<p>their own property.</p> <p>8) b.14, The size of vehicles allowed at Boutique Wineries is limited in order to reduce impacts related to vehicles and traffic on private roads. As stated in the FEIR, (page 2.6-13) the County classifies private roads as local roads that have not been declared or accepted for public use and/or County-maintenance. The design of private roads varies, they may be paved or unpaved and range in width between 20 and 30 feet. As stated in the FEIR, (page 2.6-14) "Future Boutique Wineries would be required to provide a minimum of six parking spaces for customers and three spaces for employees/operations. This number of spaces would provide adequate parking capacity because operations are smaller and are not expected to draw large numbers of guests at any one time". In order to allow vehicles accommodating 20 passengers or more, an amendment to, and recirculation of, the previously certified Final EIR would be required.</p>
13	Nov. 23, 2015	Linda McWilliams, San Pasqual Winery, San Diego Vintners Association, President	<p>1) Opposes Section 6910 b3 which adds a new prohibition of sourced wine from outside San Diego County. Will substantially restrict the ability of new wineries to succeed against county urban wineries without such limitation. The Environmental Impact Study specifically references state law, which justifies sourced wine.</p>	<p>1) b.3, No new restrictions are being added to this section. Existing ordinance allows limited sourcing of grapes (fruit and juice); no sourcing of wine is currently allowed. Proposed regulations would add flexibility to now allow sourcing of wine from within San Diego County for Boutique Wineries. Small wineries would be allowed to source a limited amount of wine from outside San Diego County.</p>
14	Nov. 23, 2015	Jess Koehler, La Finquita Winery	<p>1) Concerned with the space allowed for boutique wineries will not allow for even one year's full production and storage.</p>	<p>1) The limitations on the size of the winery structures by-right were specified within the Winery EIR and ensure consistency with land</p>

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			<p>2) Provided three different winery size examples: 1-4 year vines (young vines, low production), 5-8 year vines (medium production), 9+ years (full production).</p> <p>3) For example, young vines/low production will yield approximately 5,400 gallons, which will in turn yield 2,250 cases at a total of approximately 42 pallets. 42 pallets will require approximately 1,050 sq. ft. of the 2,600 sq. ft. permitted for this example winery.</p> <p>4) 6910.b.3, Sourcing requirements do not account for a poor harvest year, disease or natural disaster, suggests some allowance to account for these situations.</p> <p>5) 6910, Preamble- Opposes “prohibitively restrictive” limitation on commercial uses, doesn’t allow periphery sales which complement wine sales and increase business and brand awareness.</p> <p>6) b.6, Opposes limitations of promotional opportunities and customer activities, concerned that this will prohibit customers coming to winery to celebrate occasions, such as birthdays. Suggested removing language related to advertising or promotion.</p> <p>7) b.11 &amp; b.12, Opposes restriction on amplified sound, musicians and vocalists rely on amplification during performances, even for background music. Suggests relying on Noise Ordinance limitations.</p> <p>8) b.13, Opposes restriction of personal property use. Suggests adding the restriction for use “by the public” so that property owners can</p>	<p>use and compatibility to surrounding areas (EIR page 1-37). Any changes to the size of structures allowed by right would require an amendment to, and recirculation of, the Final EIR. Staff feels that storage of large equipment, some of which is only used one time per year, could be considered separately from the limited production facility. The equipment is typically associated with the grape growing on the site rather than wine production. In order to provide flexibility to the winery owners and to maintain compliance with the Final EIR, staff would consider this storage separately from the production facility.</p> <p>2) Comment noted.</p> <p>3) See response 1).</p> <p>4) b.3, No amendments are proposed to the sourcing requirements for the various winery tiers. These required percentages of grapes to be grown on the winery property and within San Diego County are intended to implement the project objectives of the Tiered Winery Ordinance, including encouraging the production of local grapes. As part of any agricultural business, there may be fluctuations in the amount of the crop produced from year to year.</p> <p>5) 6910, Existing regulations are specific to the production of wine from grapes grown on the winery premises. The proposed language clarifies that this is an agricultural ordinance and to limit unauthorized commercial activities which are not related to the production of wine.</p> <p>6) b.6, Events are prohibited at Boutique Wineries in the existing ordinance. Clarification is added</p>
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			<p>use their personal property.</p> <p>9) b.14, Use of larger transportation vehicles helps reduce overall traffic and encourages safer travel because winery guests aren't driving.</p>	<p>to define an event. The proposed language prohibits advertising events "other than wine production, wine sales, wine tasting, agricultural instruction and educational tours". There is no restriction to advertising or promoting wine tasting or wine sales.</p> <p>7) b.11 &amp; b.12, The existing ordinance and the Final EIR for the winery ordinance (page 2.5-9) specifically states that amplified sound is not allowed. This requirement must remain unless an amendment to the Final EIR is processed to revise that requirement. Clarification is being added that only "outdoor" amplified sound is not allowed. Limitations of the County Noise Ordinance also apply to all activities conducted on a winery property.</p> <p>8) b.13, Limits outdoor eating areas to a maximum of five table and seating for no more than 20 people. A minor amendment is proposed to add that these areas to state that outdoor areas shall be used "in conjunction with allowed Boutique Winery operations" only during the hours specified in subsection b.8". The ordinance does not prohibit a property owner from the private use and enjoyment of their own property.</p> <p>9) b.14, The size of vehicles allowed at Boutique Wineries is limited in order to reduce impacts related to vehicles and traffic on private roads. As stated in the FEIR, (page 2.6-13) the County classifies private roads as local roads that have not been declared or accepted for public use and/or County-maintenance. The design of private roads varies, they may be paved or unpaved and range in width between 20 and 30</p>
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				<p>feet. As stated in the FEIR, (page 2.6-14) “Future Boutique Wineries would be required to provide a minimum of six parking spaces for customers and three spaces for employees/operations. This number of spaces would provide adequate parking capacity because operations are smaller and are not expected to draw large numbers of guests at any one time”. In order to allow vehicles accommodating 20 passengers or more, an amendment to, and recirculation of, the previously certified Final EIR would be required.</p>
15	Nov. 23, 2015	Eric Lund, East County Chamber of Commerce	<ol style="list-style-type: none"> <li>1) Opposes Preamble “Commercial Activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited.” Requests this statement be removed since it is vague, and limits potential supporting businesses in wine industry.</li> <li>2) b.4, Opposes building size limitations, does not support the amount of wine allowed to be made at the Boutique winery level. Requests that square footage be doubled to 10,000 square feet or more.</li> <li>3) b.4, Recommends new language regarding additional barns, agricultural storage not to be used for production facility be changed to barns and agricultural storage buildings on the premises shall not be used for wine storage or tasting without the proper Federal Bond and ABC License.</li> <li>4) b.6, Opposes the addition of the word “Parties” to prohibited events and addition that advertising and promotions of any events is prohibited. This is very restrictive and not</li> </ol>	<ol style="list-style-type: none"> <li>1) 6910, Existing regulations are specific to the production of wine from grapes grown on the winery premises. The proposed language clarifies that this is an agricultural ordinance and to limit unauthorized commercial activities which are not related to the production of wine.</li> <li>2) b.4, The limitations on the size of the winery structures by-right were specified within the Winery EIR and ensure consistency with land use and compatibility to surrounding areas (EIR page 1-37). Any changes to the size of structures allowed by right would require an amendment to, and recirculation of, the Final EIR. Additional production area may be allowed upon approval of an Administrative Permit.</li> <li>3) b.4, Barns, agricultural storage buildings and other accessory structures are allowed on a property with a single family dwelling or other farming use. This section clarifies that those structures may not be counted toward the winery production area or for tasting rooms for commercial wineries (Wholesale, Boutique). The</li> </ol>

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			<p>in-line with the promotion of Agro-tourism or the emerging wine industry.</p> <p>5) b.6, Recommends that boutique wineries be allowed to host no more than 6-12 events per year, not to exceed 300 guests without a special permit by right and CEQA exempt.</p> <p>6) b.7, Recommends that caterers be allowed to operate within the constraints of their own specific licenses, including preparation of food and that this should also include licensed food trucks.</p> <p>7) b.11 &amp; b.12, Recommends revision to prohibition of outdoor amplified sound to state that music be allowed in compliance with the existing County Noise Ordinance</p> <p>8) b.13, Recommends clarifying that limitations of use of outdoor eating areas would apply to the public and would not apply to the property owners private use of their property.</p>	<p>structures may be converted to winery production facility use within the size limitations of the ordinance and with appropriate permits.</p> <p>4) b.6, The word “parties” is in the existing ordinance language and was specified in the EIR. Section 6910.b.6 currently states “Events, including but not limited to weddings and parties, are prohibited”. This language was adopted with the ordinance in 2010. Additional language is being added to clarify the term “event”. Boutiques Wineries are a “by right” use, as such, there were specific limitations included within the existing ordinance to reduce the potential impacts from increased traffic, parking areas and vehicles. In addition, the EIR specified that “events, including but not limited to weddings and parties, are prohibited” at Boutique Wineries (page I-37). In order to allow events at a winery, an Administrative Permit for a Small Winery is required. This process allows review of the proposed frequency of events and the number of guests, hours of operation and adequacy of parking so that adequate CEQA review can be completed. The Administrative Permit would also allow the opportunity for adjoining neighbors to be notified of the operator’s intent to have special events as part of their on-going winery operations. The change you suggest would require an amendment to, and recirculation of, the Final EIR.</p> <p>5) b.6, Events, including weddings and parties, are prohibited at Boutique Wineries in the existing ordinance. Clarification is added to define an event. The proposed language prohibits</p>
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				<p>advertising events “other than wine production, wine sales, wine tasting, agricultural instruction and educational tours”. There is no restriction to advertising or promoting wine tasting or wine sales.</p> <p>6) b.7, No changes are proposed to the existing language regarding catered food. Caterers must comply with the requirements of the Department of Environmental Health (DEH) and the state codes related to food safety. Current DEH regulations require caterers to prepare foods in a licensed kitchen; however there are allowances for limited “finishing” of the food at the location. There are no changes proposed to the existing language related to catering. We are proposing to add an allowance for a mobile food facility at a Boutique Winery to provide an additional food preparation option while assuring that food is safely prepared and served.</p> <p>7) b.11, The existing ordinance and the Final EIR for the winery ordinance (page 2.5-9) specifically states that amplified sound is not allowed. This requirement must remain unless an amendment to the Final EIR is processed to revise that requirement. Clarification is being added that only “outdoor” amplified sound is not allowed.          b.12, Limitations of the County Noise Ordinance also apply to all activities conducted on a winery property.</p> <p>8) b.13, Limits outdoor eating areas to a maximum of five tables and seating for no more than 20 people. A minor amendment is proposed to add that these areas “shall be used only during the hours of operation specified in subsection b.8”.</p>
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				<p>The draft language has been amended to state that outdoor areas shall be used “in conjunction with allowed Boutique Winery operations” only during the hours specified in subsection b.8”. The ordinance does not prohibit a property owner from the private use and enjoyment of their own property.</p>
16	Nov. 23, 2015	Eric Metz, Lenora Winery	<ol style="list-style-type: none"> <li>1) Opposes addition of language: “Commercial activities are not expressly allowed pursuant to the provisions of Section 6910 are prohibited.”</li> <li>2) a.4, b.3 and c.3, The proposed changes will effectively put SD County wine industry at a significant commercial disadvantage when competing with those out of County and those located within incorporated areas</li> <li>3) a.4.iii, b.3.iii and c.3.iii, wording ambiguity that authorizes staff to be able to request confidential winery records</li> <li>4) b.6, Not allowing business to advertise/promote its business is against the First Amendment Rights of Free Speech</li> <li>5) b.8, Ambiguity in wording and only allows wine tastings from November 1 to March 1 of the year</li> <li>6) b.11 &amp; b.12, The County has acceptable limits for noise which should be adequate to define levels of permissible sound amplification; these limits should be applicable to 6910, b.12 and hence, section 6910, b.11 is unnecessary and should be deleted</li> <li>7) a.7., b.15 and c.7, These sections are unacceptable. Requiring demonstration of</li> </ol>	<ol style="list-style-type: none"> <li>1) This change is clarifying that only uses expressly allowed may occur at wineries.</li> <li>2) a.4, b.3 &amp; c.3, The sourcing restrictions (percentages) are unchanged from the existing ordinance. Clarification added that wine produced off of the premises may not be used or sold at a Wholesale winery and wine produced outside the County may not be used or sold at a Boutique Winery.</li> <li>3) a.4.iii, b.3.iii and c.3.iii, Staff review of records related to production and sourcing of fruit would occur with a 14 day notice and would be necessary to determine conformance with the requirements of the ordinance.</li> <li>4) b.6, Events, including weddings and parties, are prohibited at Boutique Wineries in the existing ordinance. Clarification is added to define an event. The proposed language prohibits advertising events “other than wine production, wine sales, wine tasting, agricultural instruction and educational tours”. There is no restriction to advertising or promoting wine tasting or wine sales.</li> <li>5) b.8, Wine tastings are allowed seven days a week from 10 a.m. to legal sunset throughout the year. The proposed revision would allow a minor extension to the hours of operation from</li> </ol>

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			<p>compliance with Travel Time Standards appears vindictive to suit PDS's inherent dislike of the Tiered Winery Ordinance as the proposed requirement is not imposed upon other forms of businesses operating legally within San Diego County. The processing of wine grapes and the making of wines do not pose an inherent fire or hazard risk above what most other businesses would pose and therefore there is no need for this requirement from the point of view of fire safety</p> <p>8) a.1, b.1, and c.1, The proposed wording and necessity of licensing would exclude possible, legal, and normal avenues of progression from making wine for family use to making wine commercially.</p> <p>9) b.5, The proposed wording to limit wine tasting/retail sales areas to "one" area, either indoor or outdoor, but not both, has no beneficial effect while unnecessarily limiting the viability of a Boutique Winery.</p> <p>10) b.5.v, The proposed wording would appear to exclude legal wholesale sale of wine and other goods using the Internet, telephone or mail. The proposed wording can only lead to a weakening of Boutique Winery business strength which is a direct conflict with the stated objective of Section 6910, "to promote production of wine from fruit growth in San Diego County"</p> <p>11) b.13, Proposed wording would appear to prevent use of wine tasting/retail sale by the business owner or designees during non-business hours, by incorporating this section,</p>	<p>November 1 to March 1 only.</p> <p>6) b.11, The existing ordinance and the Final EIR for the winery ordinance (page 2.5-9) specifically states that amplified sound is not allowed. This requirement must remain unless an amendment to the Final EIR is processed to revise that requirement. Clarification is being added that only "outdoor" amplified sound is not allowed.</p> <p>b.12, Limitations of the County Noise Ordinance also apply to all activities conducted on a winery property.</p> <p>7) a.7, b.15 and c.7, The existing ordinance requires demonstration of compliance with the Travel Time Standards from the Closest Fire Station. There is no change to this requirement other than revising the reference to the table to match the existing General Plan Safety Element. Conformance to travel times is required for other types of uses and is particularly important for safety when the public will be coming to the property.</p> <p>8) a.1, b.1, and c.1, This revision was added at the request of County staff to clarify that the 02 Winegrowers license is not required in order to apply for a building permit. Rather, must be obtained prior to occupancy of the structure (at final building inspection) and prior to producing wine. The requirement for licensing and occupancy applies to Wholesale Limited, Boutique and Small Wineries. The ordinance does not apply to a household making wine for personal or family use.</p> <p>9) b.5, Boutique Wineries are currently allowed one tasting room by right. Clarification is being added</p>
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			<p>non-business use of facilities would be prohibited. There is no sound reason to require Boutique Winery businesses to duplicate commercial facilities which are used for wine tasting/retail sales in order to for the business owner/family to conduct non-commercial activities</p>	<p>to allow one tasting “area”, which may be indoors or outdoors. Additional outdoor seating is allowed in section b.13.</p> <p>10) b.5.v, Wholesale sales are allowed at all wineries. Clarification has been added to this section (See Attachment A).</p> <p>11) b.13, Limits outdoor eating areas to a maximum of five tables and seating for no more than 20 people. A minor amendment is proposed to add that these areas “shall be used only during the hours of operation specified in subsection b.8”. The draft language has been amended to state that outdoor areas shall be used “in conjunction with allowed Boutique Winery operations” only during the hours specified in subsection b.8” (see Attachment A). The ordinance does not prohibit a property owner from the private use and enjoyment of their own property.</p>
17	Nov. 23, 2015	Elizabeth Edwards, Edwards Vineyard and Cellars	<p>1) b.3, Opposes allowance of 50% bulk wine for the Boutique Winery tier, would jeopardize the integrity of the document’s EIR. There are permits for being able to do bulk wine packaging in agriculture areas and those who want to purchase pre-made wines should be required to get a permit</p> <p>2) b.8, Opposes revision to hours of operation, staying open up to one and a half hours past dark would require lighting and the EIR did not specify lighting restrictions because lighting would not be needed if businesses closed at legal dusk. Suggests allowing hours to 5:00 pm so that ads could have consistent winter hours to advertise. Staying open until 6 pm, well after</p>	<p>1) b.3, Requests were received from many winery owners to allow the use of some wine from off site. This amendment would only allow wine produced within the County to be used at a Boutique Winery.</p> <p>2) b.8, Revising hours of operation in winter to 5 pm would only allow up to an additional 13 minutes of operation on the shortest day of the year. Legal sunset on March 1 is approximately 5:45 p.m. Outdoor lighting likely exists at winery properties for use by owners and employees. In addition, all outdoor lighting must comply with all applicable requirements the Light Pollution Code.</p> <p>3) c.3.iv, Comment noted, minor amendment made to this section pursuant to comments received</p>

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			<p>dark, can adversely affect neighbors.</p> <p>3) c.3.iv, Opposes allowing leased area on the Small Winery tier as part of on-site production. That would reduce the necessary production of grapes to 12.5% (down from 25% grown on premises)</p> <p>4) c.5, Small winery venues can offer weddings and events, 4 acres is too small and this would impact our agricultural neighborhoods. Weddings have nothing to do with agriculture, and we believe that a 15 to 20 acre minimum parcel should be the size for such activities.</p> <p>5) a.1, b.1 &amp; c.1, Recommends deletion of occupancy requirement.</p> <p>6) a.2, Recommends deletion of the word “wholesale”.</p> <p>7) a.4, b.3 &amp; c.3, Recommends addition that records must be signed and dated under “penalties of perjury” recommends deletion of sourcing tables.</p> <p>8) b.5, Recommends deletion of “retail”.</p> <p>9) b.6, Recommends deletion of portion of event definition related to “activities or gatherings which are advertised or promoted”.</p>	<p>from Ramona CPG.</p> <p>4) c.5, Current ordinance does not specify a minimum lot size requirement in order to allow events at a Small Winery. The Administrative Permit process provides opportunity to review and apply limitations to proposed events at a specific site and allows for input from neighbors.</p> <p>5) a.1, b.1 &amp; c.1, This revision was added at the request of County staff to clarify that the 02 Winegrowers license is not required in order to apply for a building permit.</p> <p>6) a.2, Section revised to remove “wholesale” in final draft (see Attachment A).</p> <p>7) a.4 &amp; b.3, Comment noted, “penalties of perjury not added to the ordinance. The tables were added to clarify the sourcing requirements.</p> <p>8) b.5, Clarification has been added to this section in final draft (see Attachment A).</p> <p>9) b.6, Recommends deletion of portion of event definition related to “activities or gatherings which are advertised or promoted”.</p>
18	Nov. 23, 2015	Andy Harris, Chuparosa Vineyards	<p>1) b.3, Concerned with allowing bulk wine production, selling other people’s wine does nothing to either establish the small business as a winery or allow it to grow based on merit and real production.</p> <p>2) b.3, Questions how the County will assure that a boutique winery is actually adhering to the 25% onsite and 50% San Diego County wine sourcing component?</p> <p>3) Please check the ABC regulations in the</p>	<p>1) b.3, Comment noted, allowance of limited amount of wine to be used from within the County allows for blending of varieties of grapes/wine in wine production.</p> <p>2) a.4, b.3 &amp; c.3, Requirements added that winery owner shall maintain records detailing amounts of fruit grown on site and amounts of fruit and wine imported from off site.</p> <p>3) ABC Regs- type 07 or Type 08 Rectifier’s license. A Type 7 California Liquor License is required to</p>

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			<p>State of California. They have a specific "rebottler's license" (not an 02 Winegrower permit) that addresses bulk wine sales. The Rebottler is subject to very different ABC regulations than a winery for very good reasons. Its bulk wine for supplying bars, not a small winery making their own product and offering it to the public.</p> <p>4) c.3, Opposes allowing bulk wine at Small Winery from within and outside San Diego County. There is no legitimate business purpose for this.</p> <p>5) c.3.iv, Opposes Small Winery clauses allowing the applicant to claim "leased land" for growing as part of their production capacity. This lowers the real onsite requirement to 12.5% maximum and in reality to almost nothing grown onsite.</p> <p>6) c.5, Events are to be permitted for Small Wineries (Admin use Permit) and do NOT require a public hearing in the present Ordinance Version. This violates due process for all neighbors around the property in question. If the Small Winery applicant petitions to hold events, then the Ordinance should have a special section that REQUIRES public hearings that address both the type and the frequency of such events.</p>	<p>be a distilled spirit rectifier and a Type 8 California Liquor License is required to be a wine rectifier. For example, this type of license would be required to make products such as wine infused ice cream, bottles of sangria, etc. Alcohol Beverage Control staff indicated that the 02 Winegrowers License allows purchase of wine and blending of wines for bottling as provided in state law.</p> <p>4) c.3, Requests were received from many winery owners to allow the use of some wine from off site. This amendment would only allow wine produced within the County to be used at a Boutique and Small Wineries.</p> <p>5) c.3.iv, Comment noted, minor amendment made to this section pursuant to comments received from Ramona CPG.</p> <p>6) c.5, A "Notice of Proposed Administrative Permit" is sent to all property owners within 300 feet of the subject property upon submittal of an application for a Small Winery. Although an Administrative Permit (AD Permit) is a decision of the Director of Planning &amp; Development Services, a public hearing before the Zoning Administrator may be requested by a neighbor. The AD Permit Decision specifies the type and frequency of allowed events.</p>
19	Nov. 23, 2015	Martha Luce, Realtor	<p>1) Shared an article describing the "wrecking ball list of regulations"  <a href="http://www.sandiegouniontribune.com/news/2015/nov/19/wineries-rules-zoning/#st_refDomain=&amp;st_refQuery=">http://www.sandiegouniontribune.com/news/2015/nov/19/wineries-rules-zoning/#st_refDomain=&amp;st_refQuery=</a></p> <p>2) Asks for a government that recognizes and</p>	<p>1) Comment noted.</p> <p>2) Comment noted.</p>

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			enables a workable flexible business model that encourages wine industry growth and expansion	
20	Dec, 2, 2015 LATE COMMENTS	Dan Johnston, Architecture JA	<ol style="list-style-type: none"> <li>1) Winery size: many small scale wineries with less than 1 acre of grapes, difficult to determine production area needed for such low production. Greater focus should be with larger producers, up to 12,000 gallons (~4000 cases). A 3,000 sf minimum required for 500 case level of production.</li> <li>2) Ordinance limitations (chart) are too restrictive. Suggests range of 7,000-10,000 s.f. by ministerial process, or 3,000 s.f. on 1-3 acres, 5,000 s.f. on 4-7 acres, and 8,000 s.f. on 8-10 ac.</li> <li>3) Multiple vineyard ownership. Should be part of a single estate, would want single winery sized to process all of the fruit.</li> <li>4) Potential issues when 75% of the fruit is allowed to come from off-site, production facility may not be large enough to process all of the fruit if limited by the allowance for the lot size.</li> <li>5) Tasting room size/ building code requirements for occupancy separations can lead to expense and functional inefficiencies for winery owners</li> </ol>	<ol style="list-style-type: none"> <li>1) Although there is no minimum lot size required in the winery ordinance, growing less than 1 acre of grapes would not typically yield enough fruit to operate a winery since at least 25% of the grapes used in the production must be grown on the premises.</li> <li>2) a.3 &amp; b.4, The limitations on the size of the winery structures by-right were specified within the Winery EIR and ensure consistency with land use and compatibility to surrounding areas (EIR page 1-37). Any changes to the size of structures allowed by right would require an amendment to, and recirculation of, the Final EIR. . If additional area is needed for a winery production facility, the Administrative Permit process is available to obtain approval for needed area exceeding the by-right limitations.</li> <li>3) Multiple vineyard ownership is being considered with the provisions proposed in Section 6910.c.3.iv (see Attachment A).</li> <li>4) Comment noted. If needed, an Administrative Permit may be processed to allow additional production area.</li> <li>5) Local jurisdictions may not waive the California Building Code. The CBC allows a local jurisdiction to “establish more restrictive and reasonably necessary differences to the provisions contained in the” CBC, which the County does via the amendments found in the County Building Code. Less restrictive provisions – or waiving provisions completely –</li> </ol>

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				would be a violation of state and, in the case of disabled access requirements, federal law.
21	Dec. 7, 2015 LATE COMMENTS	Joyce Peterson	<ol style="list-style-type: none"> <li>1) b.6, Questions the ordinance definition of parties.</li> <li>2) Would grapes grown outside of the County be prohibited under this ordinance?</li> </ol>	<ol style="list-style-type: none"> <li>1) b.6, "Parties" is a common term and is not defined in the ordinance. Events are prohibited at Boutique Wineries when organized or offered by the winery. There is nothing prohibiting a group from visiting a winery together and participating in the wine tasting taking place during the winery hours of operation.</li> <li>2) The winery ordinance states that no more than 25% of the winery's production may consist of fruit grown or sourced from outside San Diego County. No wine produced outside San Diego County may be sold on the premises or used in the winery's production.</li> </ol>
22	Dec. 21, 2015 LATE COMMENTS	Micole Moore, RVVA President	<ol style="list-style-type: none"> <li>1) Regarding sourced wine at Boutique Wineries, request revision to allow sourcing of 15% of production in grapes and 10% of production in finished wine from outside of San Diego County.</li> </ol>	<ol style="list-style-type: none"> <li>1) b.3, Boutique wineries may source up to 25% of the fruit used in production from outside San Diego County. Currently, the ordinance does not allow any wine to be imported from off site for use at the winery. The proposed revisions would allow a limited amount of wine to be sourced from within the County to be used in production. The purpose of the ordinance is to promote grape growing within the County.</li> </ol>
23	January 7, 2016	Ramona Community Planning Group	<ol style="list-style-type: none"> <li>1) Purpose statement, concern that this section could lead to an intentional restriction on small scale retail sales that are common in tasting rooms. Supports allowance of "wholesale purchased wine related items, winery branded items and prepackaged foods. Consigned items should not be permitted".</li> <li>2) a.1, b.1 &amp; c.1, Suggests change to first sentence to read "Prior to the production of</li> </ol>	<ol style="list-style-type: none"> <li>1) Purpose statement is clarifying that only uses expressly allowed may occur at wineries.</li> <li>2) a.1, b.1 &amp; c.1, This revision was added at the request of County staff to clarify that the 02 Winegrowers license is not required in order to apply for a building permit. Rather, must be obtained prior to occupancy of the structure (at final building inspection) and prior to producing wine. Building applications are not turned down due to absence of ABC license. The</li> </ol>

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			<p>commercial wine...”</p> <p>3) a.2, Suggests removal of “Wholesale”.</p> <p>4) a.3 &amp; b.4, Seeking clarification that large equipment could be stored in non-production space while not in use and not impact production square footage.</p> <p>5) b.3, Suggests revision to wording of the entire section and requests removal of prohibition of wine used from outside the County. Provided two alternatives related to sourcing of fruit: 1) keep percentages of fruit the same, however to limit off site bulk production, allow 25% from outside to include wine, not just fruit. 2) keep 25% on site sourcing, alter sourcing percentage requirements for SD County from 50% to 65% and outside SD County from 25% to 10% and allow that to include importation of wine.</p> <p>6) b.5.iii, Suggests rewording definition of wine tasting/retail area from “...dedicated for wine tasting and sales of wines produced on-site and food related items” to “...dedicated for wine tasting and sales in accordance with table b.3”.</p> <p>7) b.5.v, Recommends removing reference to retail and state “Internet sales, phone sales and mail-order sales are allowed”.</p> <p>8) b.6, Suggests removing “including an activities or gatherings that are advertised or promoted” to allow flexibility. Educational events could still be advertised.</p> <p>9) b.8, Supports change to allow tasting area operations until 6 pm (Nov. 1- Mar. 1) however would like review of change by</p>	<p>requirement for licensing and occupancy applies to Wholesale Limited, Boutique and Small Wineries. The ordinance does not apply to a household making wine for personal or family use.</p> <p>3) a.2, Section revised to remove “wholesale” in final draft (Attachment A).</p> <p>4) a.3 &amp; b.4, Staff feels that storage of large equipment, some of which is only used one time per year, could be considered separately from the limited production facility area. The equipment is typically associated with the grape growing on the site rather than wine production. In order to provide flexibility to the winery owners and to maintain compliance with the Final EIR, staff would consider this storage separately from the production facility. Staff will work with stakeholders to create a separate “Frequently Asked Questions” (FAQ) handout to address the particular types of equipment that may be excluded from the “winery production facility” limitations.</p> <p>5) b.3, The sourcing restrictions (percentages) are unchanged from the existing ordinance. Clarification added that wine produced off of the premises may not be used or sold at a Wholesale winery and wine produced outside the County may not be used or sold at a Boutique Winery. Reducing sourcing from outside SD County to 10% maximum could greatly limit the availability of adequate amount of grapes for all Boutique Wineries.</p> <p>6) b.5.iii, changing the reference to Section b.3 may create confusion since that section regulates the</p>
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Winery Ordinance Amendment - Public Review Comment Summaries: October 9 - November 23, 2015

			<p>Counsel to ensure compliance with EIR.</p> <p>10) b.13, Suggests addition that tasting areas shall be used "by the public" during hours of operation.</p> <p>11) c.3. Suggests changing "on-site" to "on premises" for better continuity.</p> <p>12) c.3.iv.d), Suggests revision to read "On parcels smaller than 8 acres, at least 50% of the "Fruit grown on the premises" shall be grown on the parcel</p> <p>13) c.7, "Same comment as B.7"</p>	<p>sourcing of grapes used in wine production. In addition, selling wine produced off of the premises is not permitted.</p> <p>7) b.5.v, Section revised as recommended in final draft (Attachment A).</p> <p>8) b.6, The ordinance does not prohibit advertising activities which are permitted at the winery including wine production, wine tasting, wine sales, agricultural instruction, educational tours. "Educational events" could be misinterpreted to include arts and crafts classes, yoga classes, etc.</p> <p>9) b.8, The minor change to the hours of operation would not result in any new significant impacts since change only occurs for 4 months of the year and the increase would be between 14 minutes on March 1<sup>st</sup> up to one hour and 13 minutes on the shortest day of the year.</p> <p>10) b.13, The draft language has been amended to state that outdoor areas shall be used "in conjunction with allowed Boutique Winery operations" only during the hours specified in subsection b.8" (see Attachment A). The ordinance does not prohibit a property owner from the private use and enjoyment of their own property.</p> <p>11) c.3, Comment noted</p> <p>12) c.3.iv, change made</p> <p>13) c.7, no comment was provided for b.7</p>
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**Lingelser, Heather**

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**From:** Michael Dwyer <michaeljaydwyer@gmail.com>  
**Sent:** Friday, October 09, 2015 2:43 PM  
**To:** Lingelser, Heather  
**Subject:** Draft Wine Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Heather,

One question that is still not answered regarding music being played at the wineries. Page 5 point 11 stipulates Outdoor amplified music not allowed. This affects a wineries prerogative to play recorded music as ambiance for the wine tasting experience. Having no background music severely changes the dynamic of the wine tasting experience.

My next concern is in regard to "live" music being performed at the winery venues. Playing live music without amplification is not optimum as it is hard for the performer to perform with comfort. Being that most musicians perform in the capacity of background music for the wine tasting experience, patrons, not within a close proximity, cannot adequately hear the music. The decibel levels used in this format are low and well beneath county noise ordinances. This needs to be adequately represented when developing the new ordinance. Would you please respond to these points at your earliest convenience?

Thank you!

Michael Dwyer  
509-389-8246  
[www.facebook.com/michaeljdwyermusic](http://www.facebook.com/michaeljdwyermusic)  
[www.reverbnation.com/michaeljdwyer](http://www.reverbnation.com/michaeljdwyer)  
[youtube.com/mdwyerification](http://youtube.com/mdwyerification)

**Lingelser, Heather**

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**From:** S Elaine Lyttleton <lyttleton@sv-mail.com>  
**Sent:** Thursday, November 05, 2015 1:30 PM  
**To:** Lingelser, Heather; Farace, Joseph  
**Subject:** Winery Ordinance Amendments

**Categories:** Important, Yellow Category

Dear Heather and Joe,

Here are our comments to the Ordinance for the record. I understand the comment period ends November 23.

Regarding both Wholesale Limited & Boutique:

"No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as a production facility or tasting/retail sales area" will STOP this so-called Farming Ordinance in its tracks. Only multi-millionaires will have the financial means to construct winery and tasting facilities prior to the generation of any income from wine production and sales. **All** the boutique wineries that now populate the Ramona Valley AVA began by turning their grape crops into the value-added product of wine, in garages, barns, sheds and other such buildings. Only after planting, growing & harvesting grapes, and producing, aging and selling wines (at minimum an 8 year process) is any income generated. A several hundred thousand dollar facility (including machinery and equipment) would need to be built prior to any of this? It's not going to happen.

With the additional restrictions in this ordinance as related to sourcing of fruit, wine, and fruit grown on premises, making a working wage for a family is impossible.

5. v. Retail internet, phone, and mail-order sales are allowed. Wholesale must be allowed too or we'd never be able to sell our wines to restaurants and stores?

6. Events –The requirement that ANY activities or gatherings that are advertised or promoted are prohibited is A VIOLATION OF FREE SPEECH AND RESTRICTION OF TRADE! How the hell are we supposed to get ANYONE to attend anything to do with wine production, wine sales, wine tasting, agricultural instruction, and educational tours, if we can't advertise or promote them?? Surely that's not what you mean by this?

11. and 12. There is still a ridiculous and duplicative regulation that outdoor amplified sound is not allowed, when the requirement that operations shall comply with the San Diego County Code relating to Noise Abatement and Control. Additionally, what "sound" would be restricted – the occasional meetings held at member locations with the microphone system would be disallowed? AND what's the differentiation between the Grape Farming operation and the Winery Production operation, AND/OR our residential status on our properties?

13. What is meant by the underlined items here: Outdoor eating areas shall be limited to a combined maximum of five tables and seating for no more than 20 people and shall be used only during the hours of operation specified in subsection b.8.? What does combined refer to? Does this mean that we can't have family and friends over to gather at the tables in the courtyard between the winery tasting room and our home, in front of our house, on our private property, when the winery is closed to the public? I THINK NOT.

14. The restriction on vehicles with a capacity in excess of 15 passengers (up from 12) is useless. No tour companies run vehicles that small – 21 or 23 passenger vehicles is usual.

*Elaine & Norm*

**S. Elaine Lyttleton & Norman A. Case  
Hatfield Creek Vineyards & Winery**

*Where every hour is a happy hour!*

**[www.hatfieldcreekvineyards.com](http://www.hatfieldcreekvineyards.com)**

**1625 Highway 78**

**Ramona CA 92065**

**760-787-1102**



**Lingelser, Heather**

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**From:** Maria Bowman <mariabowmanres@att.net>  
**Sent:** Friday, November 06, 2015 9:21 PM  
**To:** Lingelser, Heather  
**Subject:** winery

**Categories:** Yellow Category, Important

Heather,

I think the winery plan is good for the land, community and a good means of keeping open space, for all of us. Maybe one suggestion I will make to owners is a sort of customer transportation, golf cars, horse carriages, to keep traffic under control and fun.



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

**Lingelser, Heather**

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**From:** Kimberly McLellan <[kimberly@mclellanconstruction.com](mailto:kimberly@mclellanconstruction.com)>  
**Sent:** Monday, November 02, 2015 1:46 PM  
**To:** Lingelser, Heather  
**Subject:** Tiered Winery Ordinance Comments/Questions

I live in Ramona and wanted to submit the following questions comments regarding the ordinance.

I don't see anything regarding enforcement of the terms. We have been told to call the Sheriff, but it means calling the non-emergency line and often waiting 10-15 minutes to get through. Then there is no guarantee that there are available Sheriff's to respond to non-emergency calls. If no one responds the complaints the wineries simply get away with breaking the rules and have to incentive to comply. When we contact the county it becomes he said/she said.

Currently there is zero enforcement of the guidelines.

Where are the terms for losing your Boutique/Administrative Small Winery permits? Are there consequences for not following the guidelines? How are complaints registered and documented? Who is going to come out and do random checks?

For the Administrative Small Winery, there are no provisions for the total number of events allowed, weekly/monthly or yearly? Why? The amount of events has a large impact on this community and quality of life.

Why have Administrative Small Winery permits been approved with out traffic impact studies? When wineries are allowed to have unlimited events from 10:00am until 10:00pm this affects my quality of life. It is difficult to retrieve my mail, pull into and out of my drive way and in order sleep at night now we have to close our windows and run our air conditioner.

Why have Administrative Small Winery permits been approved with out input from the immediate impacted community?

I am reviewing the specific section regarding the Administrative Permits because this portion has very few restrictions compared to the Boutique Wineries. The way this ordinance has been written it you have money to pay upwards of \$250,000 you buy your way out of restrictions and enforcement. This is creating a have and have not culture in our area.

At this point we have reservations about the Winery Ordinance because it does not take into account those of us who do not own wineries.

Please let me know what else I can do to get our concerns addressed.

Sincerely

Kimberly McLellan  
[kimberly@mclellanconstruction.com](mailto:kimberly@mclellanconstruction.com)

**Lingelser, Heather**

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**From:** Barbara Kohler <kohlerbb@gmail.com>  
**Sent:** Friday, November 20, 2015 8:32 AM  
**To:** Lingelser, Heather  
**Subject:** Tiered winery ordinance

Governments should support small wineries, not make extra restrictions. I read the newspaper article by Larry Salzman and I agree with everything he said. One of the things I most enjoy about San Diego are the many locally owned, small companies.

Thank you,  
Barbara Kohler

**Lingelser, Heather**

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**From:** russ snow <rjsnowuk@yahoo.com>  
**Sent:** Friday, November 20, 2015 10:47 AM  
**To:** Lingelser, Heather  
**Subject:** new small winery ordinance proposal

Dear Ms. Lingelser,

I am a avocado farmer in north county who has been watching neighbors turn former avocado orchards into grape plantings and tasting rooms with interest. While I have no aspirations to plant grapes or sell wine, I am supporting their efforts to continue to squeeze out a living in our county from agriculture. I have just finished reading the new rule proposal, and am dismayed by many of the new restrictions that are proposed. Certainly no one that is trying to make a living is getting rich off of sales, and while I support the requirement for grapes and wines to be made and grown in San Diego, restricting size of storage facilities, production, as well as limiting the number of people that can eat is counter productive to the survival of these new agribusinesses.

There are already laws on the books to deal with any adverse situations that may arise from these operations, you don't need to add to the farmer/producer's burden with new laws.

Respectfully,  
Russ Snow

**Lingelser, Heather**

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**From:** Teri Kerns <ramonaranch@yahoo.com>  
**Sent:** Saturday, November 21, 2015 9:48 AM  
**To:** Lingelser, Heather; Farace, Joseph  
**Cc:** Micole Moore  
**Subject:** Draft Winery Ordinance - Ramona Ranch Comments  
**Attachments:** 2015.BoutiqueOrdinance.Nov2015..pdf

**Categories:** Important

Hello Joe & Heather,

I wanted to thank you for your efforts to support the growing SD County wineries and provide the following comments on the proposed ordinance. We are available to meet and discuss further, if that is helpful, providing input from the small-business owner/operator's perspective.

Please do let me know that you've received this email and our suggestions prior to the 4 pm cut-off on Monday.

Thanks,  
Teri & Micole 619-925-5008 (cell)  
Ramona Ranch Vineyard & Winery



Joseph Farace, AICP  
Group Program manager, Advance Planning Division  
County of San Diego  
5510 Overland Avenue, #310  
San Diego, CA 92123

November 20, 2015

Dear Mr. Farace,

Thank you for your continued collaboration with the winery community, your thoughtful consideration of our suggestions is evident in the revisions to the proposed Winery Ordinance. I would like to provide additional input from an operational and small business owner's perspective on the proposed changes to the County's Winery Ordinance draft, dated October 9, 2015. Producing wine and growing grapes is a long-term, family owned small business; 90% of vineyards in the US are less than 100 acres; in San Diego County, most are less than 10. Despite our small size, San Diego's rural wineries are often credited with leading the revitalization of San Diego's rural communities, bringing jobs, shops, restaurants and agrotourism with an investment in the local culture. We can't pick up and move a vineyard which costs around \$30,000 per acre to install. This investment of time and money roots us, making us an integral part of our communities. Micole and I chose to put in a vineyard and start a winery in Ramona because we love the open spaces, trails, horses and people invested in our shared future within the community. The current ordinance encourages us on this path and can be viewed as a real success story and gives us hope of a future where we can potentially earn a living via our family business.

Our specific recommendations regarding the 10/9/15 Ordinance Draft to sustain this growth includes the following:

Page 1 – Preamble “Commercial Activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited.” This is vague, open to interpretation and limits the ordinance and industry's potential to engage supporting businesses in the growing wine industry; often referred to as the ‘ripple effect.’ Concerns have been expressed, including does this mean I can't grow and sell olives, eggs or vegetables? **We are asking that this statement be removed.**

Page 2 – “No barns, agriculture 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.” **Without the allowance of existing buildings to start the winery in, the initial investment of building a new structure would limit the ability of most to enter the winery market. We are suggesting instead use of these agricultural buildings be allowed.**

Page 3 – #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 all offices is limited... Using Ramona Ranch as an example, we have ten acres, yet under this proposal would be limited to just 3200 sf, which conflicts with the 5000 case annual limit. Good wine needs to age with an estimate of 1' per case, in addition, equipment used in the production of wine includes fork-lifts, tractors, presses, tanks, etc... This

limitation is not realistic. We recommend the wording be changed to an additional 500 sf per acre for each acre over 4, not to exceed 10,000.

Page 4 – (continued) No additional barns, agricultural storage buildings and/or other accessory structures...shall be utilized. This does not take into account the amount of equipment a vineyard is required to maintain and store, most of which is used once a year in the harvest and production of wine? This also conflicts with the recent Storm Water requirements that we store all equipment under cover. Recommend this be changed to barns and agricultural buildings on the premises shall not be used for wine tasting without the proper permits.

Page 4 – #6 – The word “Parties” has been added to prohibited events; adding the advertising and promotions of any events is prohibited. This is very restrictive and not in-line with the promotion of Agro-tourism. In my review of several other successful wine regions in California, boutique wineries are allowed a limited number of events per year by-right, for example in Napa they can host 6 events per year for no more than 399 persons, and 3 events per year for more than 400 persons. Our recommendation is that the ordinance allows the boutique wineries by-right the ability to host no more than 24 events per year, not to exceed 100 guests without a special permit, CEQA exempt.

Page 5 - #7 – Disallows licensed caterers from preparing or finishing food on-site which may be in conflict with their licenses. Serving food to wine drinkers is a good practice and should be encouraged. We appreciate the additional of a mobile food facility and recommend the addition that caterers be allowed to operate within the constraints of their own specific licenses.

Page 5 - #11 – Does not allow outside amplified music. We recommend that “Music is allowed in compliance with the existing County Noise Ordinances.”

Page 6 - #13 – States outdoor eating areas shall only be used during the hours specified in the ordinance. I am recommending this be re-worded to clearly not apply to when the winery is not open, realizing the wineries operating in the rural communities are at our homes. Perhaps this can state “outdoor eating areas shall only be used by the public during the hours specified in the ordinance.”

Agritourism is a form of niche tourism that is considered a growth opportunity in many parts of California. This is supported by the University of California’s statement “Agricultural tourism is one alternative for improving the incomes and potential economic viability of small farms and rural communities...with potential for development.” American Farm Bureau Community Development Specialist Sabrina Matteson says agricultural tourism has become an important alternative for improving the incomes and potential economic viability of small farms and rural communities.

In 2004, we moved to Ramona, joining the Ramona Valley Vineyard Association (RVVA) in February of 2005. Micole now serves as president of the RVVA, representing over 100 vineyard members, 25+ winery owners, and numerous business partners. During the first five years we lived in Ramona, we saw our property values plummet, local businesses go bankrupt, and the town of Ramona earn the designation in some circles as “blighted.” Well...I am happy to say this is no longer the case. There is a renewed optimism in the town of Ramona, with much credit being given to the collaboration and impact

of the vineyards and wineries that are active in and around the Community. Property values, while not yet where they were when we moved "up the hill" in 2004, are recovering and Main Street is now inviting, with interesting and varied shops and businesses. At the heart of this momentum is our wine tourism industry so we ask that you consider our recommendations and the potential impact of the draft as written as you move forward to avoid adding restrictions that would make our future as wine-grape growers and wine-makers unsustainable, eliminating the potential tax base created by this growing industry and revitalization of our back country. I'd like to provide you with some highlights from the California Wine Institute's 2013 Report as an example of how this growing industry can impact our local economy:

- There were 20.7 Million Wine-Related Tourist visits in California in 2013.
- 2.1 Billion was spent by Tourists in the California Wine Industry in 2013.
- The California Wine Industry paid 14.7 Billion in State and Federal Taxes in 2013.
- The California Wine Industry created 25.8 Billion in American Jobs
- The full economic impact on the Wine Industry on the American Economy was 162 Billion in 2007 according to MKF's Research on "The Impact of Wine, Grapes and Grape Products on the American Economy – Family Businesses Building Value."

Thank you for your support of San Diego's growing wine-grape industry. Should have any questions, or want to discuss further, please let us know.

Sincerely,

*Teri & Micole*

Teri Kerns, Co-owner and President, Ramona Ranch Vineyard and Winery  
Editor in Chief, Ramona Valley Wine Region Magazine

Micole Moore, Co-owner and Wine-maker, Ramona Ranch Vineyard and Winery  
President, Ramona Valley Vineyard Association (RVVA)

CC:

- *Supervisor Dianne Jacob, San Diego County Board of Supervisors*
- *Eric Larson, Executive Director, San Diego Farm Bureau*
- *Michael Harrison, Deputy District Director, Congressman Hunter*
- *Ramona Chamber of Commerce*

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**Lingelser, Heather**

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**From:** ketter52@att.net  
**Sent:** Saturday, November 21, 2015 12:42 PM  
**To:** Lingelser, Heather  
**Subject:** Wine Boutiques

**Categories:** Important

Please do not allow restrictions on our Wine Boutiques. I have a small business in Ramona, CA and so many of my friends are struggling to make a living with their investments in their vineyards and Wine Tasting Rooms. It would be so devastating for them to loose their income. This whole thing is unnecessary. Please stop all the bills being proposed against the small wineries.

Respectfully,

**Frankie Berkley Newberg**  
**Owner**  
**Sun Valley Florist**  
**677 Main St.**  
**Ramona, CA 92065**  
**760-789-3054**

**Lingelser, Heather**

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**From:** Gmail <cali.carvers2@gmail.com>  
**Sent:** Saturday, November 21, 2015 2:46 PM  
**To:** Lingelser, Heather  
**Subject:** Small Wineries Are Good Neighbors

**Categories:** Important

As an actual neighbor to one of the small wineries in Ramona, we appreciate their presence and ambition even though we don't frequent their tasting room. Over the fence I see them taking good care of their property - neat and tidy even though they have more "equipment" than our other neighbors who just have large unproductive lots. They could benefit from the opportunity to have a few more sheds to organize and protect their equipment from the elements, all of which would be governed by local building permit, inspection, and taxation. As I look the other direction to the neighbor who isn't trying to be a patron host, the 6 inoperable vehicles on his lot in plain view is much more unappealing and uncontrolled.

I would like for these small operators to be able to host small events, which means they do need to be able to offer food, shuttles, and limited entertainment. I do worry such additional operating costs might put them in over their head financially, yet that is not something we should attempt to restrict their enterprising spirit view government ordinances. That's UnAmerican.

Thus, I do not feel now is the time to limit their opportunity to continue to breath life into the community, continue to be that good neighbor, continue to grow their business and their product offering.

If we are going to continue to allow billboard advertising of casinos on tribal lands, gun shows, vapor shops who focus on our youth, and endless real estate companies, I think there is room for these wineries to advertise their presence.

Let it be.

Ramona Resident and Property Owner  
Darrell Carver  
612-419-1209

**Lingelser, Heather**

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**From:** Donna Tisdale <tisdale.donna@gmail.com>  
**Sent:** Sunday, November 22, 2015 3:35 PM  
**To:** Lingelser, Heather  
**Subject:** POD-14-005 Winery Ordinance

**Categories:** Important

**Comments on POD-14-005:Zoning Ordinance Amendment related to Wholesale Boutique and Small Wineries:**

At our regular meeting held on November 5th, The Boulevard Planning Group voted unanimously with one member absent to submit the following two comments related to the POD-14-005:

1. Need for groundwater protection through restricted use and monitoring to prevent potential for overdraft and off-site impacts where groundwater is the sole source of water available.
2. Use of drought tolerant varieties of grapes required in areas where groundwater is the sole source of water available.

Regards

Donna Tisdale, Chair  
619-766-4170

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**Lingelser, Heather**

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**From:** Carolyn Harris <carolyn@ramonavalleywineries.org>  
**Sent:** Sunday, November 22, 2015 7:59 PM  
**To:** Lingelser, Heather; Farace, Joseph  
**Cc:** RVWA  
**Subject:** Winery ordinance edits from RVWA  
**Attachments:** RVWA comments to ordinance edits 2015-11-20.pdf

Hi, Heather and Joe:

Please see the attached comments and suggested changes to the draft winery ordinance edits.

Regards,

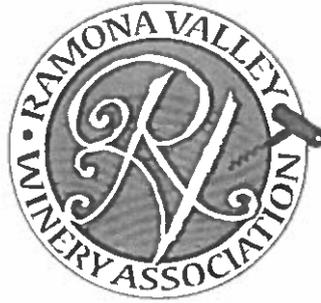
Carolyn

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Carolyn Harris  
Ramona Valley Winery Association  
VP & General Counsel  
(760)788-0018 phone  
(619)884-5432 cell  
[carolyn@ramonavalleywineries.org](mailto:carolyn@ramonavalleywineries.org)

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20 November 2015

County of San Diego  
Planning and Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

Attention: Heather Lingelser – Advanced Planning

Subject: Comments – Proposed edits to the San Diego County  
Four-Tiered Winery Ordinance POD-147-005

Dear Ms. Lingelser:

The Ramona Valley Winery Association has reviewed the draft edits to the winery ordinance and would like to make the following comments and suggested edits.

**6910a.1, 6910b.1, and 6910c.1 – Licensing requirement in advance of occupancy and production of wine:** Federal (27CFR24.75) and California (Cal Bus & Prof Code § 23356.2) law allows for the production of up to 200 gallons of wine per year per 2-or-more adult household (up to 100 gallons per year for a 1-adult household) for personal or family use without a license or permit. Therefore, licensing would not be a pre-requisite to the occupancy of a winery structure unless wine is being produced for donation or sale.

Therefore, it is recommended that the following three additions be deleted:

- a. Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:
  1. ~~Prior to the occupancy of the 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, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.

.....
- b. Boutique Winery. A Boutique Winery shall comply with the following provisions:
  1. ~~Prior to the occupancy of the 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, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited.

.....

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

1. ~~Prior to the occupancy of the 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, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery.

**6910a.2 – Internet, phone and mail order sales:** A Wholesale Limited Winery is welcome to sell their wine on a retail basis via internet, phone or mail-order (where the buyer is the consumer), in addition to selling to re-sellers (where the buyer is a restaurant, distributor, or wine shop). Therefore, it is recommended that the addition of the word “wholesale” not be made to the following section:

2. 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. ~~Wholesale~~ Internet sales, phone sales and mail-order sales are allowed.

**6910a.4 – Grape source and production location requirements for Wholesale Limited Winery:** Since a wholesale limited winery may source up to 75% of its annual production from fruit grown off-premises, it is confusing to discuss San Diego County sourcing for fruit.

The California ABC type 02 Winegrowers license allows up to half of a licensee’s wine sold to consumers on his or her licensed premises to be produced off of the premises (Cal Bus and Prof Code § 23358(c)). Therefore, a wholesale limited winery should not be barred from using in its production wine produced off of the premises.

The following edits are recommended:

4. ~~Up to 75 percent of the fruit used in winemaking may be imported from off the premises while the remainder shall be grown on the premises. A minimum of 25% of the winery’s production shall be from fruit grown on the premises. Up to 75% of the winery’s production may be from sourced fruit/juice from inside or outside San Diego County.~~

[Table should be deleted.]

~~No wine produced off of the premises may be used in the winery’s production or sold from the premises.~~

- 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.
- iii. All records shall be provided within 14 days of request by County staff.

**6910b.3 – San Diego County grape source requirement:** Since the winery’s premises is located within San Diego County, it is confusing to state that “A minimum of 50% of the winery’s production shall be from fruit grown in San Diego County...” The expression “sourced” is not defined, and is therefore unnecessarily confusing. Since the edited provision makes it clear that boutique winery may not import for use any wine grown or produced outside of San Diego County, there is contradictory language in the new second sentence.

Therefore, the following edits are suggested:

~~3. Of the total fruit used in winemaking a minimum of 75% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 25% may be grown outside of San Diego County. A minimum of 25% of the winery's production and wine offered for sale from the premises shall be from fruit grown on the premises. A minimum of 50/75% of the winery's production (including the on-premises-grown fruit) shall be from fruit grown or sourced fruit and/or wine produced in San Diego County. No more than 25% of the winery's production may consist of fruit grown or sourced from outside San Diego County.~~

[Table should be clarified for the above edits]

No wine produced or grown outside San Diego County may be sold on the premises or used in the winery's production. (Any bulk wine used, blended, or offered for sale must be grown and produced in San Diego County).

.....

**6910b.6 – Advertising or promotion of events:** Since all events are prohibited, it is confusing to distinguish activities which are advertised or promoted from those activities which are not advertised or promoted. Lack of advertising wouldn't make an event allowed, but the current draft would suggest otherwise.

Therefore the following edit is suggested:

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 (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours), including any activities or gatherings that are advertised or promoted.

.....

**6310b.8 – Hours open to the public:** The environmental impact report which is the basis for the boutique winery tier depended on an assumption that the public hours would end at sunset. Therefore, no requirement was included for exterior, parking, driveway lighting or other access or egress improvements that would be associated with the public accessing the property after dark. Likewise, the noise and traffic assumptions in the EIR were limited to daytime impacts.

Therefore the following edit is suggested:

8. A tasting/retail sales ~~room~~ area in conjunction with a Boutique Winery is allowed to operate may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1 seven days a week.

**6310c.3.iv – On-site grape source requirement:** The environmental impact report which is the basis for the small winery tier depended on the assumption that the winery grow at least 25% of the fruit used in production and offered to the public from the winery's own premises. The purpose of the limitation was to keep the winery and retail activity within the realm of being characterized as an accessory (vs principal) use, and to keep the impact of the small winery's activities in proportion to the size of the winery's parcel. This proposed change would largely remove that natural balance. No evaluation has been made for an assumption of half that amount, which would reduce the already very small on-site requirement to almost a de minimis requirement. This change would undermine and weaken the foundation of the small winery tier and therefore it is recommended that this section iv be deleted in its entirety.

Thank you for your consideration of these comments and suggested edits.

Ramona Valley Winery Association



Carolyn Harris  
VP and General Counsel  
760-788-0018  
[carolyn@ramonavallewineries.org](mailto:carolyn@ramonavallewineries.org)

**Lingelser, Heather**

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**From:** micole moore <ramonaranch@gmail.com>  
**Sent:** Monday, November 23, 2015 1:43 PM  
**To:** Lingelser, Heather; Farace, Joseph  
**Subject:** Revised ordinance comments and concerns  
**Attachments:** Points.docx

Joe, Heather, and all who worked so hard on this Boutique winery ordinance, As President and On behalf of the current RVVA Board and membership, i have attached our comments to the revised boutique winery ordinance, thank you for the opportunity to voice our concerns and lets continue to work together to make San Diego county the best wine region that we possibly can.

--

*Micole Moore*  
*Ramona Ranch and Winery*  
*541-840-5343*

To Joe Farace and Heather Lingelser

- We appreciate that many of the changes we have suggested are incorporated in the latest draft.
- We are concerned about the limitations imposed on complimentary businesses (Olive Oil, Eggs, Vegetables, selling tasting room materials, T shirts and jewelry etc..) based on the preamble which states "Commercial Activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited."
- Disallowing the use of "barns, agriculture storage buildings and/or other accessory structures permitted pursuant to Section 6156." as a production facility for the Wholesale Limited Winery would eliminate start-ups.
- The allowable floor space authorized under the change is inadequate to support a winery; we recommend the wording be changed to an additional 500 sf per acre for each acre over 4, not to exceed 5000 and remove the inclusion of trellis's and covered/uncovered patios in the square foot calculation.

For example, if a winery were to produce 6000 gallons (half of allowed for boutique wineries) would be able to do this on a property that is 6 acres. This will allow for 5 acres producing 2 tons per acre and then buying the remaining 30 tons as allowed. A 6 acre property is only allowed to have a space of 2400 sqft. this would take 40 bins. Each bin with walking space is a minimum of 30 sqft. This alone is 1200 sqft. This wine will then be in 100 barrels for the next 18-24 months. The barrels will take 30 sqft of floor space for 4 barrels stacked. Equaling 750 sqft. This will then be bottled and stored in the same space until sold. This equals 2500 cases of wine which can be stored on pallets taking 20 sqft of floor space each for every 54 cases. This will equal 47 pallets taking 925 sqft of floor space. With just these basic things we would be at 2925 sqft per year needed. So it is shown that in less than a year a production capacity given we would not have enough space.

- Not allowing barns, agricultural storage buildings and/or other accessory structures to be used for the storage of winery equipment does not take into account the size of equipment used or it's frequency of use. For example, the harvest bins, wine press, forklift, etc.... and is in conflict with the Storm Water run-off regulations which requires storage under cover.
- Restricting a winery from advertising and promotions limits sales, may be illegal and is in conflict with the State's stated goal of the promotion of Agrotourism.

- Disallowing licensed caterers to prepare or finish food on-site curtails activities permitted under their licensure. If wording is changed to (No Unlicensed food prep on site) that would cover it.
- Prohibiting outside amplified sound is punitive to the wineries that do not have indoor tasting rooms and does not take into account the negative impact on the musicians and ambiance.
- Limiting the use of the space to the authorized hours ignores the fact that many of the wineries are on private property. wording needs to be changed to no use of public after business hours.
- Not allowing typical tour vans (seating 20 – 24) effectively prohibits professionally driven wine tours from visiting Boutique wineries and is not taking public safety into account as professional drivers who are strictly prohibited from drinking any amount of alcohol, whatsoever.

**Lingelser, Heather**

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**From:** Linda McWilliams <linda@sanpasqualwinery.com>  
**Sent:** Monday, November 23, 2015 3:04 PM  
**To:** Farace, Joseph; Lingelser, Heather; Jacob, Dianne  
**Subject:** TWO - POD-14-005  
**Attachments:** SDCVA 2015 Ordinance Recommendation-3.pdf

So sorry, please see correction in bold at the end of section 2.

Linda McWilliams

President, San Diego County Vintners Association  
2014-2017

*San Diego County, where California wine began...*



## **SAN DIEGO COUNTY VINTNERS ASSOCIATION**

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San Pasqual Winery Tasting Room - Seaport Village  
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**SAN DIEGO COUNTY  
VINTNERS ASSOCIATION**

November 23, 2015

Dianne Jacob  
San Diego County Supervisor, Dist. 2  
1600 Pacific Highway #335  
San Diego, CA 92101

Joseph Farace  
Group Program Manager  
Group Planning Division  
Planning & Development Services  
5510 Overland Ave., Suite 310  
San Diego, CA 92123

Re: Zoning Ordinance Amendment re: Limited, Wholesale, Boutique and Small Wineries (POD 14-005)

Dear Supervisor Jacob and Group Program Manager Farace,

The County Winery Ordinance has been an astounding success since its adoption in August 4, 2010. Not only has the Ordinance been an amazing agro-tourism success, but also its performance as a zoning ordinance has continued with unmatched neighborhood compatibility, the ultimate goal of a zoning ordinance. The County wineries have grown from about 15 only 10 years previously to over 114 county bonded wineries, almost three times the number of Temecula wineries.

This success is unrivaled in modern international wine history. Not only has there been great growth, but the quality of the wines is creating international attention. The Finger Lakes International Competition in New York is the second largest in the world with the last competition involving wine from all 50 states and 27 countries. Some 3,700 international wines were judged. San Diego County wineries won 28 awards in that recent Finger Lakes competition, an unheard of number in a largely as yet internationally little known wine region.

The San Diego County Vintners Association represents over 100 members in the San Diego County winery industry. The Association has been active in discussions regarding the Ordinance since its inception and strongly recommends that the County not impose restrictions to the original Ordinance that impair the county wine industry's success. The San Diego County Vintner's Association specifically urges changes in the following provisions:

1. Section 6910 b3 adds a new provision that prohibits sourced wine from outside San Diego County that will substantially restrict the ability of new wineries to succeed in an environment that must compete

with county urban wineries without such limitation. The Environmental Impact Study specifically references state law, which justifies sourced wine.

San Diego County grows primarily red wine grapes as there are only a few micro climate areas in the county that are able to successfully grow white wine grapes which can be made into quality wine on a shorter time table but also requires additional costly equipment. To produce quality wine grapes, the vines need to mature for a minimum of three up to five years before the first wine is made. After the harvest, crush and fermentation, the new red wine must be aged for a minimum of 18 months before bottling and then an additional minimum 6 months of bottle aging before being a saleable wine. For a new winery, which requires substantial investment in the property, acquisition of needed farming equipment, installation of the vineyard, purchase of winery equipment such as a crusher/destemmer, press, pump, hoses and tanks and/or barrels the costs add up very quickly. Costs of equipment include \$5K-\$10K each for a crusher/destemmer and press. Barrels are priced in the \$800-\$1200 range. To move wine to the bottle requires a bottling line, another \$3k and up price tag. The costs of bottles, corks, capsules and labels add up to \$20/case or more. To properly age wine, it needs to be temperature controlled so additional costs for air conditioning is added on. To sell a bottle of wine made on property requires an investment of a minimum of five years, to sell a bottle of wine that will pay for itself and actually allow the winemaker to earn some money can take many years. The Tiered Winery Ordinance has allowed many to follow their dreams to plant grapes and start their own wineries but given the up and down of the financial market, impact of weather conditions and natural disasters such as past fires in the region as well as all these incurred costs, it is very difficult to be financially sustainable despite the reduction of MUP fees previously required. The availability of sourced grapes and wine from within San Diego County at this time is very limited. Given time, this region should have grapes to sell to satisfy most needs although there will continue to be times when winemakers must look outside the county. Sourcing of grapes and wine from outside the local areas is common practice in all wine regions. If and when a winery uses sourced grapes or wine, it is required by the TTB regulations to have this information on the label. Our overall goal is to produce the best wines with San Diego County grapes and have other wine regions seek out our grapes to use to make outstanding wines.

If a winery has no wine to sell, they cannot make money to be sustainable. As you see, this is critical during the first few years and during times of bad weather and natural disasters. The goal of the Tiered Winery Ordinance was to encourage this wine industry to grow from the roots up with small family farms and wineries but you can see we need additional help to do this. What is beginning to happen now that San Diego County is gaining attention in the wine world, large corporate wineries from Northern California are beginning to look to us to expand their business as the availability of vineyard land in Napa and Sonoma is scarce and extremely expensive. It is time to look ahead and help insure the success of the small wineries and grow our industry with the emphasis on stewardship of the land and developing agro-tourism rather than allow the cash flush corporate wineries to move in. This limitation on sourced wine and grapes should be eliminated. If additional wording is considered to allow sourcing of grapes and wine during the first few years of the winery and in times of hardship due to natural disasters and harsh weather conditions, that would be an acceptable compromise at this time.

2. When the existing Ordinance came into effect, virtually all County vineyard and winery operations were carried on in agricultural and residential structures. Section 6910 b4 adds provisions that prohibit the use of such structures. We propose that this be restated to allow production in agricultural buildings that have already been established but not allow public access as routine. Public access would be limited to the tasting room and tasting areas. Uncontested testimony at County workshops over the past two years have made clear that winery operations structure limitations need to be expanded, not restricted. Nothing in the Environmental Impact Study justifies existing limitation. Additional storm water run off regulations now require that all wine making process and equipment used be covered. As wineries under the Tiered Winery Ordinance are allowed to produce up to 12,000 gallons or 5,000 cases of wine annually, wineries require space for not only production and storage of equipment but also for storage of barrels for aging and case goods, both bottle aging and those wines ready for sale. Space is needed for about 200 barrels per year then aging for 2-3 years and the resulting case good storage from 5,000 to 10,000 cases. Most wineries do not expect production to be at these levels, this is to illustrate the upper limits of possible space needs. These provisions need to be expanded not prohibited. **The San Diego County Vintners Association recommends that for sites over 2 acres be allowed 500 square feet of additional structural space for each acre over 2 acres without further limitation.**
3. Section 6910 b5i changes winery structures to require existing structures including patios be re-permitted to commercial and ADA standards. If applied to existing boutique wineries most would have to close. New wineries would face a heavy burden that would deter most new wineries. Nothing in the Environmental Impact Study justifies this limitation. These restrictions should be eliminated. Should these requirements be continued, we recommend that an appropriate timetable be given to allow for wineries to work toward the required improvements in a negotiated, step-by-step schedule to avoid the debilitating costs associated with these stringent requirements that may cause wineries to close due to financial hardships.
4. Section 6910 b5 adds: "Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited" along with further restriction in 6910 b5iii. This is a severe limitation from the existing Ordinance which only provides that "The tasting room/retail sales area shall be accessory to wine production...."
5. Section 6910 b6 prohibits any advertised or promoted activities. Such limitation is without equal in the county, state, national, and international winery world. Nothing in the Environmental Impact Study justifies this limitation. Such limitation should be eliminated. Advertising and promotional activities are already governed and restricted by California ABC regulations under which all wineries operate. Additional restrictions are not needed.
6. Section 6910 b7i allows catered food, but a section 7iv should make clear that County Department of Environmental Health licensed caterers should be able to act in the same manner as licensed food trucks operators. Nothing in the Environmental Impact Study prevents such clarification. There are already regulations in place for frequency of use of caterers. Placing additional restrictions on an already regulated business does not seem appropriate

7. Section 6910 b12 eliminates the need for sound control stated in b11. Nothing in the Environmental Impact Study justifies this b11 limitation. Section 6910 b11 should be eliminated. This is already regulated through the County Noise Ordinance and need not be further restricted.
  
8. Section 6910 b14 increases tour vehicle sizes from 12 to 15 passengers. Even the 15 passenger limitation effectively prohibits most professionally driven wine tours from visiting Boutique wineries. Nothing in the Environmental Impact Study requires this limitation. Section 6910 b14 should be amended to allow tour vehicles with up to 24 seats. The number of tasting room guests that can be accommodated varies from winery to winery. Some cannot handle 15 guests and those who are able to welcome more would need to employ two vehicles whereas a 24 passenger vehicle can accommodate guests in one vehicle/one trip.

Vineyards and Wineries are long-term, family-owned small businesses who are vested in our communities. Helping these businesses be fiscally viable benefits the entire county. Winery Tourists spent 2.1 Billion dollars in California. In 2013 the Winery Industry paid 14.7 billion dollars in State and Federal Taxes. It is clear that a successful wine region equals a successful community. Our challenge is to avoid damaging this nascent industry with punitive and restrictive regulation.

Respectively submitted,



Linda McWilliams  
President,  
San Diego County Vintners Association

**Lingelser, Heather**

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**From:** Jess Koehler <jess@lafinquitawinery.com>  
**Sent:** Monday, November 23, 2015 2:35 PM  
**To:** Lingelser, Heather; Farace, Joseph  
**Cc:** <charlie@lafinquitawinery.com>  
**Subject:** Proposed Draft Ordinance - Response from La Finquita Winery & Vineyard  
**Attachments:** LaFinquitaOrdinanceResponse.docx

Dear Heather, Joe and the County of San Diego:

We want to first and foremost thank you all for all the work you have done in regards to the Tiered Winery Ordinance and helping us to realize our dreams of marking wine in beautiful San Diego County. We feel that the many proposed changes to the ordinance presented at this time are necessary and make sense.

There are, however, a few specific changes and additions that concern us, which we would like to share with you. We have provided an outline below of our areas of concern, along with suggestions and examples of ways and wording that would alleviate those concerns.

We appreciate the opportunity to share our thoughts, concerns and suggestions with the County. We are happy to make ourselves available to further discuss any of our concerns or thoughts, or for anything that we may do to assist the County. Thank you again for your continued efforts on behalf of our blossoming San Diego Wine Region.

Sincerely,

Charlie & Jess

La Finquita Winery & Vineyard

Charlie Koehler – Co-Owner, La Finquita Winery & Vineyard, Inc.

2<sup>nd</sup> Vice President, Ramona Chamber of Commerce

Membership Director, Ramona Valley Vineyard Association

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Jess Koehler – Co-Owner, La Finquita Winery & Vineyard, Inc.

Marketing Director, Ramona Valley Vineyard Association

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[jess@lafinquitawinery.com](mailto:jess@lafinquitawinery.com)

## **Outline of Concerns & Suggestions**

6910 b.4, 6910 b.5 – Restrictions on size/use of buildings:

Our primary concern is the space that is being allowed for the boutique wineries. With the allowable amount of wine permitted at this level, the space given will not allow for even one year's full production and storage. Below, we have provided specific examples to help illustrate our concerns, using a fairly standard sized property with winery and vineyard. We have provided three different examples: 1-4 year vines (young vines, low production), 5-8 year vines (medium production), 9+ years (full production).

Our example uses a property of 7 acres total with 4 acres of fully planted vineyards. With the current proposed space limitations, a winery with a property of this size would only be allowed to have a production and storage space of 2,600 sq ft. Our example illustrates how this is not adequate for a year's worth of production, including proper aging, storage and bottle storage.

Example 1 (young vines):

In the first few years after planting a vineyard, the vines are producing lower yields per plant. On the conservative side, we would estimate that during this time a vineyard can reasonably produce approximately 2-2.5 tons per acre, per year.

Using our example vineyard, this would yield a total average of 9 tons of grape produced on the property. Based on this average, the winery is then permitted to purchase approximately 27 tons of grapes from other vineyards, resulting in a maximum total of 36 tons of grapes.

36 tons of grapes will yield approximately 5,400 gallons of finished wine. This will in turn yield 2,250 cases of wine, which is generally stacked on pallets for storage and bottle aging.

An average pallet is 4'x4'. However, to be able to move in-between the pallets we will assume 5'x5' to allow a 1' pathway around the pallets. A typical pallet will safely hold 54 cases of wine. Using our example, this will yield a total of 42 pallets. These 42 pallets will require approximately 1,050 sq ft of the 2,600 sq ft permitted for this example winery.

Prior to being bottled, the fermentation process will take place in fermentation bins, which are 4'x4'. Again, we will assume a 5x5 space to be able to walk around the bins as necessary during the fermentation and wine making process.

Using our example winery numbers, this will take 72 bins (each bin will hold approximately a half ton of processed grapes). This equals a total of 1,800 sq ft of space needed if all bins are in use at the same time. Please note that harvest varies from year to year, sometimes it is staggered, other times there are multiple varietals coming in simultaneously requiring more bins to be in use at the same time.

Regardless of the timing of grape harvests, however, the new storm water regulations that are being enforced require that all of the bins be stored indoors or at the very least in covered areas even when not in use. Based on the new wording in the proposed draft changes, it appears that covered spaces will count towards the total square footage allowed. Given this, bins and palletted wine alone in this example total 2,850 sq ft, which is 200 sq ft over what the current proposed wording allows a winery on a property of this size. This 2,850 sq ft does not yet take into consideration the space needed for the barrel storage and aging of the wines produced.

Many buildings only allow for double stacked barrel racks. This means in a 16 sq ft space (4'x4'), we are able to store 240 gallons of wine (4 barrels). This means that aging the 5,400 gallons of wine will take at a minimum of 368 sqft. This space is also required for, in our case, at least 18 months of aging, preferably 24 months of aging in barrel, meaning that at any given time, the winery will have at least 3 years of wine in barrel being stored and aged in the winery. The barrels needed for three years worth of storage, will require at least 1,104 sq ft of space.

Taking into consideration the storm water regulations and items needing to be stored indoors, the winery must also account for the storage of equipment including, but not limited to, forklifts, tractors, crushers, destemmers, presses, bottle fillers, corkers, pallets of empty glass for bottling, etc. A conservative estimate of the space required for the storage of this equipment is approximately 1,332 sq ft.

With all of these items necessary to the production of quality wine, taking into consideration both the County Ordinance and the Storm Water requirements, for a boutique winery to make 5,400 gallons of wine (easily done with a 4 acre on-site vineyard and purchasing additional fruit from 12 additional acres), the three-year minimum square footage needed would be 9,500 sq ft.

To better help illustrate this example, we have provided a table with the breakdown of calculations for this example.

We will follow with the table breakdown examples for the numbers of a vineyard/winery of this size at medium production then at full production

Example 1 Table: Small Production

Size of onsite vineyard	4 acres	9 tons	2.25 ton per acre	
offsite grape usage		27 tons		
total wine production		36 tons	5400 gallons	
total property size	7 acres			
Item	Sqft per item	qty	total	how often used
Barrels (4 barrels aging wine 240 gal)	16	23	368	all year

Bins	25	72	1800	3 months of the year
Finished wine in bottles per year	25	42	1050	all year
tractor	40	1	40	all year
forklift	40	1	40	all year
press	20	1	20	3 months of the year
bottle filler	10	1	10	3 months of the year
corker	10	1	10	3 months of the year
Filter	2	1	2	all year
settling tanks	10	12	120	3 months of the year
pump	5	1	5	all year
destemmer	10	1	10	3 months of the year
empty glass bottles	25	42	1050	3-6 months of the year
glasses for tastings	25	1	25	all year
total per year			4550	
total for two years			7018	
total for three years			9486	

Figure 1

This show what a winery would need for a vineyard of 4 acres at low production with buying 75% of their fruit offsite.

Example 2 Table: Medium Production

Size of onsite vineyard	4 acres	12 tons	3 ton per acre	
offsite grape usage		36 tons		
total wine production		48 tons	7200 gallons	
total property size	7 acres			
Item	Sqft per item	qty	total	how often used
Barrels (4 barrels aging wine 240 gal)	16	30	480	all year
Bins	25	96	2400	3 months of the year
Finished wine in bottles per year	25	56	1400	all year
tractor	40	1	40	all year
forklift	40	1	40	all year
press	20	1	20	3 months of the year
bottle filler	10	1	10	3 months of the year

corker	10	1	10	3 months of the year
Filter	2	1	2	all year
settling tanks	10	12	120	3 months of the year
pump	5	1	5	all year
destemmer	10	1	10	3 months of the year
empty glass bottles	25	56	1400	3-6 months of the year
glasses for tastings	25	2	50	all year
total per year			5987	
total for two years			9267	
total for three years			12547	

Figure 2

This show what a winery would need for a vineyard of 4 acres at low production with buying 75% of their fruit offsite.

Example 3 Table: Full Production

Size of onsite vineyard	4 acres	15 tons	3.75 ton per acre	
offsite grape usage		45 tons		
total wine production		60 tons	9000 gallons	
total property size	7 acres			
Item	Sqft per item	qty	total	how often used
Barrels (4 barrels aging wine 240 gal)	16	38	608	all year
Bins	25	120	3000	3 months of the year
Finished wine in bottles per year	25	70	1750	all year
tractor	40	1	40	all year
forklift	40	1	40	all year
press	20	1	20	3 months of the year
bottle filler	10	1	10	3 months of the year
corker	10	1	10	3 months of the year
Filter	2	1	2	all year
settling tanks	10	12	120	3 months of the year
pump	5	1	5	all year

destemmer	10	1	10	3 months of the year
empty glass bottles	25	70	1750	3-6 months of the year
glasses for tastings	25	3	75	all year
total per year			7440	
total for two years			11548	
total for three years			15656	

Figure 3

This show what a winery would need for a vineyard of 4 acres at low production with buying 75% of their fruit offsite.

Our last example is for a maximum sized boutique winery under the allowances of the ordinance. This will be a winery that is producing 12,000 gallons. These numbers are just a rough estimate using conservative numbers, as each winery configuration and set of equipment would vary.

Example 4 Table: Maximum production Boutique Winery

Size of onsite vineyard	9 acres	20	2.25 ton per acre	36 acres if all onsite
offsite grape usage		60		
total wine production		80 tons	12000 gallons	
total property size	7 acres			
Item	Sqft per item	qty	total	how often used
Barrels (4 barrels aging wine 240 gal)	16	50	800	all year
Bins	25	160	4000	3 months of the year
Finished wine in bottles per year	25	93	2325	all year
tractor	40	1	40	all year
forklift	40	1	40	all year
press	20	1	20	3 months of the year
bottle filler	10	1	10	3 months of the year
corker	10	1	10	3 months of the year
Filter	2	1	2	all year

settling tanks	10	12	120	3 months of the year
pump	5	1	5	all year
destemmer	10	1	10	3 months of the year
empty glass bottles	25	93	2325	3-6 months of the year
glasses for tastings	25	1	25	all year
total per year			9732	
total for two years			15182	
total for three years			20632	

A few other concerns:

6910 b.3 - Lack of account for a poor harvest year, disease or natural disaster

In the current wording of the proposed draft ordinance, there are zero provisions for business continuity or solvency in the case of a poor harvest year, disease or natural disaster. Poor harvest years may be the result of disease in the vineyards, but can also be affected by can be brought on by bad weather during fruit set, bad weather near or during harvest and many other natural disasters.

As many of us know there was an earthquake in Napa recently, which resulted in the loss and destruction of a huge amount of wine. The way that Napa wineries are going to survive in the interim is through using sourced wines from wineries that were not as strongly affected by the earthquakes and even more likely, from outside of the region entirely.

With the current ordinance, this would not be permitted at all. If a natural disaster similar to this were to happen and affect all of our boutique wineries, we would all have to close until we were able to rebuild our wine stocks – a process of multiple years, and a process which would most likely result in permanent closure of multiple San Diego Boutique Wineries.

Our suggestion would to include some type of provision attached to 6910 b.3 for allowances in the case of natural disaster, disease, etc, to allow the wineries the ability to

maintain their businesses. Perhaps some type of form or special request or allowance for proven and vetted situations of this nature that can be handled on a case-by-case basis.

Additionally, the current wording does not take into consideration the nature and process of vineyard contracts, which are generally signed early in the year, as early as the end of the current year's harvest, to ensure that we get the fruit we need and fruit of the best quality. We personally put in to contract when and how to prune the vines, the watering schedule and nutrition plans, as well as any other details regarding the maintenance of the vines throughout the year to ensure the quality of fruit which we require. There are also many contracts that are written just for the land acreage that is then managed 100% by the winery's vineyard crew (usually the owner and wine maker with additional seasonal help). With these kinds of contracts, as with our own estate vineyards, there are no guarantees or great predictions for the harvest levels until far into the growing season, long after contracts are signed and non-refundable deposits are made, as there are so many factors that contribute to a good and bad harvest season.

Our suggestion would be to include wording in regards to the percentage requirements table of 6910 b.3 that base the percentages off of a reasonable approximate expected yield of the estate vineyard, or at the very least makes allowances for discrepancies in the anticipated yields vs. actual yields as far as the source percentages are concerned, which would allow for instances of a poor harvest year, disease or natural disaster.

#### 6910 – Pre-amble – Limitation of commercial activities

The current proposed preamble is prohibitively restrictive in ways that we may yet to even realize, the correction of which would require future (and likely multiple) changes to the ordinance as they are discovered. For example, many wineries have periphery sales including boutiques and logo items which complement wine sales and increase business and brand awareness. Under the current wording these are not “expressly permitted” and would thus be prohibited, with a negative impact.

#### 6910 b.6 – Limitations of promotional opportunities and customer activities

While there are some great clarifications in the new proposed wording, there are also customer prohibitive restrictions regarding use of the winery space. Similar to our concerns regarding transportation restrictions, there are many times winery guests will show up unannounced with a group of friends and/or family members to celebrate a life occasion, such as a birthday, and will often bring along their own snacks to enjoy and items such as a birthday cake and gifts. With the current proposed wording, we question if the winery would be required to turn these guests away from coming to enjoy our wines, solely because they came with the intent to enjoy our wines while they celebrate a life occasion. Our concerns here duplicate our negative business impact concerns in regards to the responsible transportation limitations.

Additionally, in the order of the new proposed wording in this section, it appears to prohibit the advertising or promotion of anything at all, even those allowed things for the purpose of wine production, wine sales, wine tasting, agricultural instruction and educational tours. How are any potential customers to know that a winery is having an educational tour or any of these other allowed things if the winery is not permitted to advertise or promote it?

Our suggestion here is to simply rearrange the wording to remove any confusion:

“...An event, for purposes of this section, is defined as the use of the site for organized activities or gathers, including any activities or gatherings that are advertised or promoted (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours). ...”

#### 6910 b.11 – Restriction of musical expression

As musicians ourselves, this restriction greatly concerns us. For many musicians, this blanket restriction greatly decreases how long one may be able to play, and what one may be able to play. Some musicians play with a recorded background accompaniment, which of course must be “amplified” to be heard. Vocal artists rely on amplification to perform to avoid serious damage to their vocal chords from the strain of performing without any form of amplification.

We understand and agree that there are significant differences between one or two musicians providing soft background music with light amplification for the immediate setting and a rock concert. It seems that the County of San Diego already has a well-written, in-depth noise ordinance. To restrict property owners beyond this ordinance simply because they happen to own a winery on their property is unfair and unreasonably restrictive.

We agree that it is reasonable to include some kind of statement regarding sound at wineries. However, it also seems reasonable to change the wording to something which does not place unfair burdens or restrictions on San Diego County property owners simply because they own a winery.

We suggest wording similar to the following: “Any outdoor amplified sound must be in compliance with existing San Diego County Noise Ordinance and in consideration of the areas surrounding the boutique winery.”

#### 6910 b.13 Restriction of personal property use

As the new wording in the ordinance reads, the County is restricting property owners and limiting their use of certain areas of their property to only winery operating hours. We do not believe this is the County’s intent, and thus propose the following adjustments to reflect and clarify this:

“...seating for no more than 20 people, and shall be used by the public only during the hours of operation specified in subsection b.8.”

#### 6910 b.14 - Transportation Limitations & Responsible Consumption

While we appreciate the increase proposed for the vehicle size permitted at the Boutique Winery tier, we are concerned that this limits not only responsible consumption of alcohol, as well as has the potential to negatively impact the winery business as a whole.

The use of larger transportation vehicles not only helps to cut down on overall traffic to and from wineries, decreasing the overall impact on roads and neighborhoods, but encourages safer

travel for both the winery guests and all those driving on roads near wineries, as it negates any question or possibility of drunk driving.

In the current wording, we are unclear if the responsibility falls on the wineries themselves to turn away guests who may choose to visit in larger vehicles. We understand that we can advise any guests who contact us directly of this restriction, however, in general, guests do not call before coming to the winery during normal hours of operation, and come unannounced during these hours. To be required to turn away and refuse service to guests who choose to responsibly come in one larger, chauffeured vehicle instead of in multiple smaller vehicles would greatly and negatively impact customer impressions of the winery which they are attempting to visit, not to mention greatly degrade their overall opinion of the wine region in general.

**Lingelser, Heather**

---

**From:** Eric Lund <ericl@eastcountychamber.org>  
**Sent:** Monday, November 23, 2015 3:17 PM  
**To:** Lingelser, Heather  
**Subject:** Wine Ordinance Review Comments and Recommendations  
**Attachments:** WineryOrdinanceChanges-SDECCLetter.pdf

Hi Heather,

Can you please make sure these comments get to the correct person?

Thank you,

Eric J. Lund, General Manager

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Joseph Farace, AICP  
Group Program Manager, Advance Planning Division  
County of San Diego  
5510 Overland Avenue, #310  
San Diego, CA 92123

November 23, 2015

Dear Mr. Farace,

Thank you for your support of San Diego's growing agricultural business industry. We appreciate the opportunity to provide input from a business and consumer perspective on the proposed changes to the County's Winery Ordinance, #6910. As you are well aware San Diego's Wine Industry is booming and growing again, generating many jobs, attracting thousands of visitors and providing new incremental associated taxes for the County of San Diego and the region. Indeed, San Diego now has more than 100 wineries throughout the region and is continuing to grow.

Our specific recommendations regarding the 6/26/15 Ordinance Draft includes the following:

**Page 1 – Preamble** "Commercial Activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited." This is vague, open to interpretation and limits the ordinance and industry's potential to engage supporting businesses in the growing wine industry;

**We ask that this statement be removed.**

**Page 3 - #4** The building sizes proposed do not support the amount of wine allowed to be made at the Boutique winery level. For example, at Ramona Ranch Winery with ten acres, they are allowed no more than 3200 square feet; yet they can make up to 5000 cases of wine. Wine requires aging and storage; a good estimate is one foot per case, so just to store 5000 cases, they would need a 5000 square foot facility, plus additional room for shipping, receiving, laboratory, maintenance, circulation, and offices;

**We request that you at least double these numbers to 10,000 square feet or more.**

**Page 4 – #4 (continued)** No additional barns, agricultural storage...shall be utilized. Where are vintners to store all of the equipment that is used once a year in the harvest and production of wine?

**Recommend this be changed to barns and agricultural storage buildings on the premises shall not be used for wine storage or tasting without the proper Federal Bond and ABC License.**

**Page 4 – #6 –** The word "Parties" has been added to prohibited events; adding the advertising and promotions of any events is prohibited. This is very restrictive and not in-line with the

promotion of Agro-tourism or the emerging wine industry. If you look at other successful wine regions in California, boutique wineries are allowed a limited number of events per year by-right, for example in Napa they can host 6 events per year for no more than 399 persons, and 3 events per year for more than 400 persons.

**Our recommendation is that the ordinance allows the boutique wineries by-right the ability to host no more than 6-12 events per year, not to exceed 300 guests without a special permit, CEQA exempt.**

Page 5 - #7 – Disallows licensed caterers from preparing food on-site which may be in conflict with their license and appears to prohibit food trucks; a common practice at local breweries and wineries, as well as in other Counties, for example, Amador County. We believe that serving food to wine drinkers is a good practice and should be encouraged.

**Our recommendation is that caterers be allowed to operate within the constraints of their own specific licenses and that this should also include licensed food trucks.**

Page 5 - #11 – Does not allow outside amplified music, and requires an “Entertainment Establishment License.” Many of the vintners have attempted to obtain an Entertainment Establishment License, after being told by the Sheriff that they cannot provide the acoustic music currently allowed by the existing boutique winery ordinance without this license. Then they have been informed that as Agricultural land, they are not zoned for an Entertainment Establishment License so they can’t have one. In reviewing the license application, boutique wineries are not noted as a required establishment.

**Our recommendation is that “Music is allowed in compliance with the existing County Noise Ordinances.”**

Page 5 - #13 – States outdoor eating areas shall only be used during the hours specified in the ordinance. We are recommending this be re-worded to clearly not apply to the owners, stating instead

**“Outdoor eating areas shall only be used by the public during the hours specified in the ordinance.”**

The Vineyards of San Diego County represent a form of tourism that is considered a growth opportunity in many parts of California. This is supported by the University of California’s statement “Agricultural tourism is one alternative for improving the incomes and potential economic viability of small farms and rural communities...with potential for development.” American Farm Bureau Community Development Specialist Sabrina Matteson says agricultural tourism has become an important alternative for improving the incomes and potential economic viability of small farms and rural communities.

Some of the proposed changes to the San Diego County Winery Ordinance are not business or consumer friendly; the San Diego East County Chamber of Commerce asks that you consider the recommendations made above and adjust the ordinance accordingly to protect this valuable start-up industry in San Diego County.

Producing wine and growing grapes is a long-term example of family owned small business; 90% of vineyards in the US are less than 100 acres; in San Diego County, most are less than 10. These family businesses are credited with the revitalization of rural communities, bringing jobs, shops, restaurants and agro-tourism with an investment in the local culture. We firmly believe that establishing new rules as presented would limit entertainment, events, publicity, and onsite food preparation that will greatly damage this fragile new industry and represents a very major setback to our region. Wineries also use drought tolerant plants that use little water compared with other agricultural products like avocados.

Please consider our recommendations and continue to make San Diego a new place for small business entrepreneurs to grow and improve our regional economy and support them as they also help to improve our quality of life.

Sincerely,

Eric Lund

General Manager

Office Phone 619-440-6161

CC:

- *San Diego County Board of Supervisors, Supervisor Dianne Jacob*
- *San Diego County Board of Supervisors, Bill Horn*
- *San Diego Farm Bureau, Eric Larson, Executive Director,*
- *State Senator Ben Hueso*
- *Congresswoman Susan Davis*
- *Congressman Duncan Hunter*
- *San Diego Regional Chamber of Commerce*
- *Ramona Chamber of Commerce*
- *State Senator Joel Anderson*
- *Assemblyman Brian Jones*
- *Assemblywoman Shirley Weber*

Eric Metz  
Lenora Winery  
251 Steffy Road  
Ramona, Ca. 92065

Joseph Farace, Group Program Manager, Advance Planning Division  
Planning & Development Services  
County of San Diego  
5510 Overland Avenue, Suite 110  
San Diego, Ca. 92123

Re.: PUBLIC REVIEW of County of San Diego Zoning Ordinance Amendment related to Limited Wholesale, Boutique and Small Wineries (POD 14-005)

November 7, 2015

Dear Mr. Farace:

Thank you for the opportunity to provide comment upon the above referenced Ordinance Amendment related to Wineries. The original Ordinance issued in 2010 has been a significant positive influence in development of the winegrape and wine industries within San Diego County. However, the original Ordinance failed to go far enough in providing conditions sufficient for economically sustainable winegrape and wine industries.

The above Ordinance Amendment has been put forth with the justification of clarifying verbiage. The proposed changes fail to accomplish that goal and unnecessarily restricts the growth of the winegrape and wine industries in San Diego County. Below are those Sections which are unacceptable. Each of the following sections should be removed or

reworded to eliminate a severe negative impact upon the winegrape and wine industries of San Diego County.

6910, Introduction- “Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited.”

This is unacceptable. A business operating under Section 6910 shall not be excluded from performing those other commercial activities which are permitted elsewhere under County regulations. The proposed wording states that other legal activities which are permitted under County regulations would be prohibited, unless “.....expressly allowed pursuant to the provisions of Section 6910.....”

6910, a.4., b.3. and c.3.- The proposed changes are unacceptable. The stated purpose of Section 6910 purports to being “.....to promote production of wine from fruit grown in San Diego County....” The proposed changes will effectively put the San Diego County wine industry at a significant commercial disadvantage when competing against commercial wineries from outside of San Diego County who sell their wines within San Diego County because those out-of-County wineries do not need to comply with Section 6910 regulations. County wineries will also be at a disadvantage when competing with wineries located within San Diego County, but, who are also within incorporated areas as Section 6910 will not apply to them. As such, out-of-County wineries and wineries within incorporated areas of San Diego County will be allowed to continue to purchase fruit and wines from anywhere in the world to reduce their costs, to produce or supply different wines or to improve the quality of their wines sold within San Diego County. Local San Diego County wineries will be prohibited from doing this and from competing on an equal footing. In essence, the proposed change appears to be a restraint of free trade and, therefore, subject to litigation. Both the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau (TTB) and the California Department of Alcoholic Beverage Control (ABC) permit fruit and wine to be purchased from other areas and then to be used to make wine. To do so is a normal course of business in the wine industry for several sound business reasons. The PDS again appears intent upon running the fledgling San Diego County wine industry into the ground.

6910, a.4.iii., b.3.iii. and c.3.iii.- The objective of this Amendment is to clarify ambiguities in wording. This sentence certainly fails in this objective as which County staff are authorized to request winery records is not defined. As such, any person working for the County could be considered to be staff and capable of demanding confidential winery records. Because of this, compliance with this provision will require enforcement through the court system.

6910, b.6.- The proposed wording is absurd to believe that the First Amendment Rights of Free Speech would be denied an allowed business from being able to advertise or promote its business activities. Any aspect of Boutique Winery sales must be made aware of to the general public. The general public will not know of business activities without the business taking an active role in getting the word out which constitutes advertising, promotion and marketing. Such rights are basic and fundamental rights of any business and can not be taken away by the County. Wholesale Limited and Small Wineries are not subjected to this business-killing requirement.

6910, b.8.- The objective of this Amendment is to clarify ambiguities in wording. This sentence certainly fails in this objective as it states that wine tastings are only allowed from November 1 to March 1 of the year. This is unacceptable to prohibit sales during other months of the year. This section requires rewording to allow wine tasting room sales to occur throughout the year.

6910, b.11.- The term "amplified" requires definition in order to meet the objective of this Amendment. Any electronically produced sound is technically an amplified sound. The County has acceptable limits for noise which should be adequate to define levels of permissible sound amplification; these limits are given as applicable in 6910, b.12. Hence, 6910, b.11 is unnecessary and should be deleted. Sound from any radio, television or cellular telephone is amplified. As such, it would be a violation of this Ordinance to use such devices at Boutique Winery wine tasting rooms.

6910, a.7., b.15. and c.7.- These sections are unacceptable. Requiring demonstration of compliance with Travel Time Standards appears vindictive to suit PDS's inherent dislike of the Tiered Winery Ordinance as the proposed requirement is not imposed upon other forms of businesses operating legally within San Diego County. The processing of wine grapes and the making of wines do not pose an inherent fire or hazard risk above what most other businesses would pose and, therefore, there is no need for this requirement from the point of view of fire safety.

6910, a.1., b.1. and c.1.- The proposed changes are unacceptable. The proposed wording would exclude possible, legal and normal avenues of progression from making wine for family use to making wine commercially. Under United States Federal law, a person may make up to 200 gallons of wine for their personal and family use without the necessity of any commercial licensing. As such, this may be performed within one's structures of their home. The proposed wording states "Prior to occupancy of the winery structures and the production of wine...." which would prevent one from legally becoming a commercial operation under Section 6910, if that person had previously occupied and used the same structure to produce wine. The proposed wording requires that structures may not be used for occupancy or production of wine unless they had first been given a valid permit and bond even though these requirements are not required of persons making wine for home use. As

such, a person who has operated legally to occupy a structure or to produce wine for personal use, would be prevented from using those same structures later as permitted under Section 6910. This is unreasonable.

6910, a.3. and b.4.- The proposed wording is unacceptable. The proposed wording removes rights formerly granted under the Tiered Winery Ordinance enacted in 2010. By including the proposed wording "including shipping, receiving, laboratory, maintenance and offices", the square footages needed to conduct these activities will reduce the presently allowed square footages for producing wine. This is an attempt by the PDS to limit and restrict operation under the Tiered Winery Ordinance which is directly in opposition to the stated purpose of Section 6910 as being ".....to promote production of wine....."

6910, b.5.- This is unacceptable. The proposed wording to limit wine tasting/retail sales areas to "one" has no beneficial effect while unnecessarily limiting the viability of a Boutique Winery. Other parts of Section 6910 regulate allowed square footage for the Boutique Winery and previously enacted Tiered Winery Ordinance stipulated that the tasting /retail sales area shall not exceed 30%. By adopting the proposed wording, wine tasting would be restricted to either indoors or outdoors, but, not both, as the indoor and outdoor areas may not be connected and may incorporate separate permitted structural components. Prohibiting wine tasting/retail sales from being conducted in more than one area purports to know how Boutique Wineries should run their businesses successfully more than those who own them.

6910, b.5.v.- Boutique Wineries may find it necessary to make wholesale wine sales to retail outlets using the internet or telephone or with mailed purchase orders. The proposed wording would appear to exclude the legal wholesale sale of wine and other goods using the Internet, telephone or mail. These types of sales are allowed by the TTB and the ABC. Furthermore, all businesses engaging in legal trade are not excluded from using these forms of marketing their products. No sound benefit appears to be gained from the proposed change in meaning of the sentence resulting from excluding wholesale sales which results by adding the word "Retail". Prohibiting these activities by stipulating that "Retail" sales may be conducted effectively prohibits wholesale sales using these forms of communication. The proposed wording can only lead to a weakening of Boutique Winery business strength which is a direct conflict with the stated objective of Section 6910 "to promote production of wine from fruit grown in San Diego County".

Obviously, the PDS knows little about what is required to operate a successful wine business and should not propose overly restrictive regulations.

6910, b.13.- This is unacceptable. The proposed wording would appear to prevent use of wine tasting/retail sale facilities by the business owner or designees during non-business hours. This restriction is unjustified. Section 6910 already adequately defines hours of operation and commercial use of facilities such that this stipulation is not necessary. By incorporating this section, non-business use of facilities would be prohibited. This appears to be an un-intended consequence. There is no sound basis to prevent personal or business use of facilities outside of commercial operating hours. It is typical that Boutique Wineries operating under Section 6910 will have facilities which may be advantageous to be used for business or personal purposes such as taking of employee breaks, lunches, dining, relaxing, etc. These are non-commercial activities which should not be prohibited. There is no sound reason to require Boutique Winery businesses to duplicate commercial facilities which are used for wine tasting/retail sales in order to for the business or business owner/family to conduct non-commercial activities such as enjoying a meal on commercial facilities during hours outside of those stipulated elsewhere.

The mission of the Tiered Winery Ordinance of 2010 was to promote the growing of grapes and the making of wine commercially within San Diego County. In part, it has assisted that growth. The proposed Amendment is a major step backwards which likely will eventually shutdown the growing of grapes and making of wine within San Diego County. Less regulation is needed. Not blindly written restrictions.

Regards,

A handwritten signature in cursive script, appearing to read "Eric Metz", followed by a horizontal line.

Eric Metz, President, Owner, Winemaker

E. METZ  
LENORA WINERY  
251 STEFFY RD  
RAMONA, CA 92065

SAN DIEGO, CA 92161

NOV 23 2015 PM 2:14



Joseph FARACE GROUP PROGRAM  
MANAGER, APD  
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COUNTY OF SAN DIEGO  
5510 OVERLAND AVE, SUITE 110  
SAN DIEGO, CA 92123  
92123123555

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Planning and  
Development Services

**Lingelser, Heather**

---

**From:** Elizabeth Edwards <beth@edwardsvineyardandcellars.com>  
**Sent:** Monday, November 23, 2015 4:00 PM  
**To:** Lingelser, Heather; Farace, Joseph  
**Subject:** Edits and comments to San Diego County Four-Tiered Winery Ordinance POD-147-005

23 November, 2015

County of San Diego  
Planning and Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

Attention: Heather Lingelser – Advanced Planning

Regarding: Comments and Proposed Edits to the San Diego County Four-Tiered Winery Ordinance POD-147-005

Dear Heather Lingelser,

There are several very alarming "changes" in this draft of the winery ordinance tiers, which would jeopardize the integrity of the document's EIR. Mainly the allowance of 50% bulk wine for the Boutique Winery tier. It has always been a farming ordinance, and simply purchasing pre-bottled wines and slapping a label on them, or bottling bulk wines, is not a farm-stand type privilege. The original document stated it was for the "packing and processing of fresh agricultural produce." There are permits for being able to do bulk wine packaging in agricultural areas. Those who want to purchase pre-made wines should be required to get a permit.

Staying open up to one and a half hours past dark would require lighting, and the EIR did not specify lighting restrictions because lighting would not be needed if businesses closed at legal dusk. The only compromise I might suggest would be to say 5:00 pm so that ads could have consistent winter hours to advertise. Staying open until 6 pm, well after dark, can adversely affect neighbors.

We do not like the idea of having a lease be allowed on the Small Winery tier. That whole idea reduces the necessary production of grapes to 12.5% (down from 25% grown on premises); plus, everyone knows that a handshake and \$1 can get you a "lease." Small winery venues can offer weddings and events. I also feel that 4 acres is way too small and this would impact our agricultural neighborhoods. Weddings have nothing to do with agriculture, and we believe that a 15 to 20 acre minimum parcel should be the size for such activities.

We are in agreement with the additional edits submitted by the Ramona Valley Winery Association, as well.

Here are our additional suggestions:

**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. Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited.

- a. **Wholesale Limited Winery.** A Wholesale Limited Winery shall comply with the following

provisions:

1. Prior to the (delete occupancy of the winery structures and the) production of commercial 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, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited. The production of cider or other fermented juices into wine shall be allowed as permitted by the 02 Winegrowers license and subject to all other provisions of this Section.
2. On-site sales to the public of wine and other goods from the winery, tasting rooms, and/or events, including but not limited to weddings and private parties, are prohibited. (delete wholesale) Internet, phone and mail-order sales are allowed.
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:

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No additional barns, agricultural storage buildings and/or other accessory structures (delete permitted pursuant to Section 6156) shall be used as a production facility for the Wholesale Limited Winery.

4. A minimum of 25% of the winery's production shall be from fruit grown on the premises. (delete Up to 75% of the winery's production may consist of sourced fruit/juice from inside or outside San Diego County.)

(delete the CHART HERE

- 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 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. The records must be signed and dated by a legal representative of the winery under penalties of perjury.
- iii. All records shall be provided within 14 business days of request by County staff.

5. Wine production shall be less than 12,000 gallons annually.

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.

7. A Wholesale Limited Winery shall demonstrate compliance with the Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1.

**b. Boutique Winery.** A Boutique Winery shall comply with the following provisions:

1. Prior to the (delete occupancy of the winery structures and the) production of commercial 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, and a current 02 Winegrowers license

issued by the California Department of Alcoholic Beverage Control. Licenses issued by the California Department of Alcoholic Beverage Control that allow other types of alcohol sales are prohibited. The production of cider or other fermented juices into wine shall be allowed as permitted by the 02 Winegrowers license and subject to all other provisions of this Section.

1. Wine production shall be less than 12,000 gallons annually.

3. 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 (delete or sourced fruit produced) in San Diego County. No more than 25% of the winery's production may consist of fruit grown (delete or sourced from) outside San Diego County. (delete No wine produced outside San Diego County may be sold on the premises).

CHART HERE fix chart to match

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 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/juice/wine is imported.

i. All records shall be provided within 14 business days of request by County staff.

i. The records must be signed and dated by a legal representative of the winery under penalties of perjury.

1. 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:

CHART HERE

No additional barns, agricultural storage buildings and/or other accessory structures (delete permitted pursuant to Section 6156) shall be utilized for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910b.4 may contain one tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. The tasting/retail sales area shall be accessory to wine production and shall not exceed 30% of the total square footage of all permitted Boutique Winery structures and shall comply with the following:

i. All areas accessed by the public must be permitted and constructed in compliance with the applicable commercial building code, including the requirements of the American Disabilities Act;

ii. Barns and agricultural storage buildings on the premises which are not permitted as part of the Boutique Winery shall not be included for purposes of calculating the allowed area of the tasting/retail sales area;

iii. For the purposes of this section, a tasting/retail sales area is defined as a room, cave, trellis and/or outdoor patio area dedicated or intended for wine tasting, sales of wines produced on-site and food related items;

iv. The California Retail Food Code will apply to food related activities other than premises set aside for wine tasting, as that term is used in Section 2356.1 of the Business and Professions Code;

v. (delete Retail) Internet, phone and mail-order sales are allowed.

6. Events, including but not limited to weddings and private 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 (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours). (delete and also includes any activities or gatherings which may be advertised or promoted.)

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). Key requirements and limitations include the following:

i. The event shall be conducted by a non-profit organization or government agency—not the winery operator;

i. The event shall be open to the general public;

iii. If food is served, the event shall have a “civic, political, public or educational nature” and must be approved as such in advance by the County Department of Environmental Health (DEH);

iv. An event of four hours or longer duration (including set-up and take-down) requires a Community Event Permit and is subject to additional requirements;

v. A non-profit organization may conduct a maximum of six community events within a 12 month period, at all locations, including events of less than four hours duration.

7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be approved by the County of San Diego Department of Environmental Health. Catered food service is allowed, but no food preparation is allowed at a Boutique Winery. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.

8. A tasting/retail sales area in conjunction with a Boutique Winery is allowed to operate from 10 a.m. until legal sunset, or until 5:00 pm from November 1<sup>st</sup> through March 1<sup>st</sup>, seven days a week. *(Note: the EIR did not take into consideration the use of outdoor lighting and therefore should not cause ill effects on neighboring parcels; since the earliest sunset during the noted period occurs at 4:42, changing it to 5:00 pm would allow for standardized advertising of hours with the minimum of negative impacts.)*

9. A minimum of six parking spaces shall be provided for patrons using the Boutique Winery and a minimum of three spaces shall be provided for Boutique Winery operations and employees of the Boutique Winery. No parking for a Boutique Winery is allowed off the premises.

10. 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. 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.

11. Outdoor amplified sound is not allowed.

12. 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.

13. Outdoor eating areas shall be limited to a combined maximum of five tables and seating for no more than 20 people and shall be used only during the hours specified in subsection b.8.

14. Vehicles with a capacity in excess of 15 passengers are not allowed to serve the Boutique Winery.

15. A Boutique Winery shall demonstrate compliance with the Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1.

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

1. Prior to the (delete occupancy of the winery structures and the) production of commercial 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, and a current 02 Winegrowers license issued by the California Department of Alcoholic Beverage Control. The applicant shall disclose if any other licenses issued by the California Department of Alcoholic Beverage Control will be relied upon for operations at the Small Winery. The production of cider or other fermented juices into wine shall be allowed as permitted by the 02 Winegrowers license and subject to all other provisions of this Section.

2. Wine production shall be less than 120,000 gallons annually.

3. Of the total fruit used in winemaking a minimum of 50% shall be grown within San Diego County, a minimum of 25% shall be grown on the premises and a maximum of 50% may be grown outside of San Diego County. 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. No more than 50% of the winery's production may consist of (delete sourced) fruit, juice or wine from outside San Diego County.

**CHART HERE** (we agree with info until the lease information from sections iv. a. through iv. e.

Allowing weddings, bands, late night private parties and outdoor lights until 10 pm in agricultural zones on four acres is too small. The minimum acreage needs to be 15 to 20 acres.

Leasing land can simply be done with a handshake and one dollar, so the leasing portion would also have to be in conjunction with a premises of 20 acres minimum. The minimum of 25% of the fruit needs to be grown on premises.

5. Events, including but not limited to weddings and private parties as specified in the Administrative Permit, may be allowed upon the making of the findings in Section 6910.c.6. Any live entertainment shall comply with the requirements of Section 21.2101 et seq. of the County Code.

etc.....

Thank you for your time and consideration of these comments and suggested edits.

Sincerely,

Beth Edwards

**Edwards Vineyard & Cellars**  
[beth@edwardsvineyardandcellars.com](mailto:beth@edwardsvineyardandcellars.com)  
**760-788-6800**

**Lingelser, Heather**

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**From:** Andy Harris <andy@chuparosavineyards.com>  
**Sent:** Monday, November 23, 2015 4:14 PM  
**To:** Farace, Joseph; Lingelser, Heather  
**Subject:** Chuparosa Vineyards comments on Winery Ordinance Draft

Joe/Heather,

Here are the comments from Chuparosa Vineyards regarding the proposed clarifications to the San Diego County boutique winery ordinance.

First a couple of general comments:

- 1) Nice catch on b. 5ii - several operations are already trying to include old barns, sheds, open fields, etc. in their calculation of how big a tasting room is allowed. This area is ripe for abuse, as no verification appears to exist in the County. Simply prohibiting this game at least makes it theoretically enforceable.
- 2) The revisions that specifically address food truck parking, hours of operation and permit requirements are also clear, concise, and well thought out. I believe licensed food trucks would be a nice addition to the overall boutique winery operations.

There are a couple of changes to this ordinance (instead of clarifications) remaining in this draft that clearly violate CEQA statutes. These unwarranted changes are simply inviting the Coastal law Group and Carol Angus (the previous litigant) to mount a CEQA lawsuit that will be successful; yet these additions do absolutely nothing to forward legitimate winery operations in San Diego County.

- 3) The entire concept of allowing bulk wine produced in San Diego County to be sold in boutique wineries is nothing more than another open invitation to run an illegal sports bar in the County by doing an end run around ABC regulations. The original purpose of the Boutique winery category (and the current by-right status) was to allow small business to get a start without instantly incurring the expense of the discretionary permitting process. This small business must still be a legitimate business, not a fraudulent front for the quick buck artists. Selling other peoples wine does NOTHING to either establish the small business as a winery or allow it to grow based on merit and real production. This addition to the ordinance destroys the progression we tried to create where the boutique winery, based on the merits demonstrated by continued operation, can eventually afford to grow bigger and enter the discretionary permitting process. We have several wineries that have already done this (Cordiano, Milagro). Their initial operations were sufficient to fund the permitting process and allow them to grow. Note they earned this by establishing their reputation as boutique wineries (or the equivalent in Cordiano's case).

Given the debacle that County Code Enforcement has become, how is the County going to assure that a boutique winery is actually adhering to the 25% onsite and 50% San Diego County wine component?? We already have many RVVA wineries who actually produce very little wine, but run rollicking bars every weekend featuring wine by the drunk - this is the alternate model this clause in both the Boutique and Small Winery statutes encourages. CEQA limits are trashed completely because a very little winery ends up running a huge tasting patio operation with no wine bottle sales but entirely supported by selling drinks on-site (along with food and events). You have only to look around the Ramona Valley to see this is in fact the current situation.

Making Ordinance Changes to make this worse destroys the very purpose of this Ordinance: to encourage farming and farm related products.

Please check the ABC regulations in the State of California. They have a specific "rebottler's license" (not an O2 Winegrower permit) that addresses bulk wine sales. The Rebottler is subject to very different ABC regulations than a winery for very good reasons. Its bulk wine for supplying bars, not a small winery making their own product and offering it to the public.

The Small Winery (Section C) also permits bulk wine produce both within and outside San Diego County. There is no legitimate business purpose for this. This is NOT a winery - it's a bar operating without an ABC bar license. If the winery cannot make their own wine, they should not be in business in San Diego County. The current County practice of granting Small Winery privileges the minute any winery starts the Admin permit process invites continued fraud and abuse and seriously endangers the CEQA bases on which the Ordinance is founded. With no hearing process or other vetting mechanism (including final determination by the County if an Admin Permit process is even reasonable on a proposed site) the little winery is suddenly able to offer weddings, batchelorette parties, food service, rock band music, and other activities that neighbors should at least be allowed to weigh in on before they are de facto permitted. I point this out because this is EXACTLY what is happening right now out here in Ramona Valley. Salerno, Alti Piano, Eagles Nest, and a couple of other wineries have Admin permit applications on file. In some cases these applications have been on file for over two and a half years. During this time these wineries are offering all the events, food, and music they can with absolutely no regulation whatsoever.

If you are going to permit winery operations, then permit winemaking not bootlegging. There is no justification for ever bringing in bulk wine to a legitimate winery facility. Buying fruit and making wine on site is a whole different matter, but bootlegging is just bootlegging and the County should NOT be in the business of encouraging illegal activities.

4) The Small Winery category now contains a set of clauses allowing the applicant to claim "leased land" for growing as part of their production capacity. Look at this in view of determining the size of the operation. I have a 4 acre parcel. I put a 3.2 acre winery building on it by claiming production from adjacent empty fields I "leased" from a neighbor for 5 days. There are no existing grape production requirements or other disincentives to continued fraud. I can simply claim that land as part of my production acreage that contributes to my 25% onsite grown. This lowers the real onsite requirement to 12.5% maximum and in reality to almost nothing grown onsite, which is exactly what the unscrupulous pseudo-winerries want. Keep in mind the vice-president of the RVVA was quoted as saying "only suckers grow grapes". The County should not be encouraging this attitude, which is directly conflicting with the original purpose of the boutique winery ordinance.

Even in Temecula the smallest contiguous parcel allowed for a winery is 10 acres. This was done years ago as a revision because of the abuse experience there by unscrupulous frauds. The 10 acre minimum (Ref: Joe Hart, Hart Winery, Temecula) came about as the minimum needed to hold both a small winery building plus enough grapes to keep it going. Their law has worked very well because of this minimum. This does NOT prohibit the winery from buying additional grapes from other San Diego parcels and making wine from these grapes. It simply imposes the CEQA mandated limit on winery size on that parcel to avoid the inevitable lawsuits that would result from development of McWinery operations on extremely small parcels. That's why it was in the original ordinance; that's why it sustained two separate court challenges. Messing with this is inviting a reversal in court and shutdown of everyone's projects (mostly the legitimate ones) while all the fine details are

endlessly litigated for years. This potential path is a sure way to kill the wine industry in San Diego County before it even gets started.

Leasing land you don't own as part of a permitting process that eventually justifies production requirements, and eventually building requirements is asking for continued fraud and abuse. Once that McWinery building is built you cannot either remove it or regulate it - it will be here to stay due to faulty County policy.

The existing Ordinance limits the onsite component to actual land the winery operation owns because this approach also inherently limits the size of the winery operation. This is the only way CEQA constraints are upheld. Any other add-ons such as leasing or other handwaving is simply an attempt to get around the 25% limit because as already stated, "grape growing is for suckers" according to the frauds.

5) Events are to be permitted for Small Wineries (Admin use Permit) and do NOT require a public hearing in the present Ordinance Version. This violates due process for all neighbors around the property in question. If the Small Winery applicant petitions to hold events, then the Ordinance should have a special section that REQUIRES public hearings that address both the type and the frequency of such events. This is the essence of what was supposed to be provided as part of the CEQA process. It is imperative that County changes to the Ordinance NOT give ammunition to the Coastal law Group for a successful CEQA suit. Please review the Appeals Court findings attached below. I am sure Bill Witt (County counsel) has or is reviewing your proposed Ordinance Changes. I do not value his input, as he has been consistently wrong in the past. Please see the Appeals Court finding (verbatim) below. Its incredibly clear. Thanks for your consideration of these comments.

The FEIR identifies 11 impact avoidance measures built into the zoning ordinance amendments to address the potential impacts of allowing by-right wineries. The impact avoidance measures: (1) prohibit on-site events, including weddings and parties; (2) limit the maximum floor area allowed for structures used in wine production; (3) require at least 25 percent of grapes used for winemaking be grown on site; (4) limit the maximum amount of wine production; (5) require winery operations to comply with the County noise ordinance; (6) limit the maximum floor area allowed for tasting rooms at boutique wineries; (7) limit the preparation and service of food at boutique wineries; (8) limit operating hours for tasting rooms at boutique wineries; (9) prohibit amplified sound at boutique wineries; (10) limit the size of outdoor-eating areas at boutique wineries; and (11) limit the size of passenger vehicles allowed at boutique wineries.

As stated in the "Response to Comments" section of the FEIR: "Additional impact avoidance measures were not incorporated into the Proposed Project because these measures would likely result in the need for winery operators to obtain other permits and would be inconsistent with the Project's core objectives."

**Lingelser, Heather**

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**From:** martha1luce@gmail.com on behalf of Martha Luce, REALTOR <martha@marthaluce.com>  
**Sent:** Monday, November 23, 2015 6:33 PM  
**To:** Lingelser, Heather  
**Subject:** Fwd: San Diego County's small wineries could die on the vine. HELP

Thank you.  
Martha Luce. REALTOR  
Direct: 760-532-7196  
CENTURY 21 Award  
<http://www.RamonaGoodLife.com> [martha@marthaluce.com](mailto:martha@marthaluce.com)

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----- Forwarded message -----  
**From:** "Martha Luce, REALTOR" <martha@marthaluce.com>  
**Date:** Nov 23, 2015 5:39 PM  
**Subject:** San Diego County's small wineries could die on the vine. HELP  
**To:** <[cao\\_mail@sdcountry.gov.ca](mailto:cao_mail@sdcountry.gov.ca)>  
**Cc:**

<https://shar.es/1cq1a5>

**San Diego County's small wineries could wither under proposed ordinance.**

San Diego County's small wineries could die on the vine| Opinions >  
[cao\\_mail@sdcountry.gov.ca](mailto:cao_mail@sdcountry.gov.ca) [SanDiegoUnionTribune.com](http://SanDiegoUnionTribune.com)

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**Martha Luce to Dianne Jacob.. Why?**

**How can government-wine industry partnerships save the small venue wine industry?**

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- **The community needs a government that recognizes & enables a workable flexible business model that encourages wine industry growth & expansion.**
- **The article describes a wrecking ball list of regulations.**
- **STOP THE DISASTEROUS WINE INDUSTRY DESTRUCTION.**

- **MAKE THE GOVERNMENT REGS A BUSINESS MODEL FOR GROWTH & PROSPERITY.**
- **Thank you.**

Thank you.

**Martha Luce. REALTOR®**

**Direct: 760-532-7196**

[martha@marthaluce.com](mailto:martha@marthaluce.com)

<http://www.RamonaGoodLife.com>

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**Lingelser, Heather**

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**From:** Farace, Joseph  
**Sent:** Wednesday, December 02, 2015 5:23 PM  
**To:** Lingelser, Heather  
**Subject:** FW: Response to questions on Winery Ordinance  
**Attachments:** SDCWineOrd1.doc

FYI

**Joseph Farace**  
Group Program Manager, Advance Planning  
Planning & Development Services  
(858) 694-3690

---

**From:** Dan Johnston [<mailto:dan@mauiwindsurf.com>]  
**Sent:** Wednesday, December 02, 2015 4:58 PM  
**To:** Farace, Joseph  
**Cc:** [heather.lingelser@sdcounty.co.gov](mailto:heather.lingelser@sdcounty.co.gov)  
**Subject:** Response to questions on Winery Ordinance

Dear Joseph and Heather,

Thank you for meeting with Kevin and I to discuss the content of the forthcoming winery ordinance. As mentioned, we are impressed with the process you are pursuing and the resultant content of the document to date.

As we concluded the meeting, you asked if we could provide a chart of ideal winery size required for varying levels of production and how to address the issue of multiple vineyard ownership.

The wine industry is very diverse. As you understand, trying to develop boiler plate regulations often creates more issues than it resolves and you could find that less regulation is a better way to yield the results you are trying to regulate.

In the attached document we have tried to provide input on these two issues in a concise way. I hope it comes across clearly.

Feel free to contact us with any issues you might want to discuss.

Sincerely,

Daniel Johnston, A.I.A., N.C.A.R.B.  
Architecture, J. A., Inc.  
[dan@architectureja.com](mailto:dan@architectureja.com)  
858.922.0288

December 1, 2015

Joseph Farace  
Heather Lingelser  
Planning and Development Services  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

Dear Joseph and Heather,

In response to your request that we provide further information on determining size of a Boutique or Small Wholesale Winery, and aggregating multiple vineyards into one winery estate, we offer the following:

**Winery size:**

There are currently many very small scale wineries in the county, often with less than one acre of grapes planted. It is very difficult to determine how much production area is required for production levels this low. We do believe however that winery owners generally do not build excessive area in their facilities, due to financial considerations. The wine business is profit-challenged and building is expensive. The greater focus should be with larger producers, up to the 12,000 gallons (~4,000 cases) specified in the draft ordinance.

Wine production at the 500 case level or above requires a minimum of about 3,000 square feet of enclosed production area, not only for fermentation and aging, but also to provide equipment storage, case storage, laboratory space and circulation as needed. Winery size would typically increase as production levels rise. The chart in the draft ordinance seems too restrictive. Perhaps the chart itself is not needed? We submit that there could be a single maximum size permissible under a ministerial process, perhaps in the range of 7,000 s.f. to 10,000 s.f.; wine producers would build to their level of production; zoning regulations already in place address setbacks, height, and scale; the winery ordinance addresses the number of guests, size of tasting room, and parking.

Alternatively, if the ordinance wants to be more specific and include size allocations, better numbers for a chart could be: 3,000 s.f. on 1-3 acres, 5,000 s.f. on 4-7 acres, and 8,000 s.f. on 8-10 acres.

**Multiple vineyard ownership:**

It is important to winery owners with multiple vineyards that all the vineyards are a part of a single 'Estate'. It seems logical that aggregate vineyard ownership should be considered in the allowable winery size. An individual with multiple vineyards, most often would want a single winery, sized to process all the fruit. The particular vineyard on which the winery could be constructed would again be governed by development guidelines both in the zoning regulations and the winery ordinance. Parcels that are included in a multiple ownership arrangement, but do not host a wine processing facility, should be considered agricultural lands, regulated as farming, so long as no other regulations prevent the designation.

There are potential issues when 75% of the fruit is allowed to come from off-site and those grapes are not owned by the winery owner. If 75% of the fruit is imported, it is conceivable that a winery, sized according acreage of the owned parcel, would not be large enough to process 100% of the fruit. This is another instance where a universal maximum winery size would allow an owner to build to a specific production level that is not tied to lot size, other than what is allowed in the zone.

**Tasting Room Size:**

Building code requirements for occupancy separations can lead to expense and functional inefficiencies for winery owners, especially in smaller wineries. In many cases, wine tasting only occurs a few days a week and is a small part of the operation. In such circumstances it is not feasible to partition off a portion of the allowed winery area for a tasting room or build a separate tasting space. The ordinance, in specifying the number of guests allowed for tasting, should be less restrictive as to whether they congregate inside or outside the building.

I hope these thoughts are helpful for you. Thank you for considering our input on the crafting of the new ordinance.

Sincerely,

Dan Johnston, A.I.A.

**Lingelser, Heather**

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**From:** jpeters1@san.rr.com  
**Sent:** Sunday, December 06, 2015 5:39 PM  
**To:** Lingelser, Heather  
**Subject:** Tiered Winery Ordinance proposed Amendments(POD-14-005)

Dear Heather;

I was very upset to read the UT November 29th article about the proposed amendments to the Winery Ordinance that has been such a plus for employment in the County. Obviously this ordinance favors large wineries, and will put many smaller wineries out of business (and people out of jobs)...

Unfortunately I had not heard about this issue so was too late to write a formal comment. Thus I request to be put on the mailing list so I may attend upcoming Planning Commission and B of S meetings to speak against some of the more draconian measures proposed.

Question for you: Section 2, (6910) a. Number 2. How does the ordinance define "parties" ? A few years ago we led our antique car club on a Saturday wine tasting in Ramona. We visited 2 local wineries in the morning, had lunch in Ramona, and went to 2 other wineries in the afternoon. We had about 15 Model A's and 25+ people. All attendees bought wine and spent a good deal at lunch, helping the local economy. My question, under this new ordinance would this trip be considered a prohibited "party" ?

Second question: I am not a big fan of red wine and enjoy white wine, especially the more fruity varieties. Unfortunately as you know, white wine grapes don't do well in San Diego County and are rarely grown here. But often when we visit local botique wineries for tasting, they have some white wine available for me to taste and buy, even though none of the grapes were grown in San Diego County. I have always felt that this is a good customer service. But--Under this ordinance would that be prohibited? Would I have to travel to Temecula or Northern California just to taste white wine?

Anyway, please put me on your mailing list.

Sincerely;

Joyce Peterson

[jpeters1@san.rr.com](mailto:jpeters1@san.rr.com)

619-884-6088

**Lingelser, Heather**

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**From:** micole moore <ramonaranch@gmail.com>  
**Sent:** Monday, December 21, 2015 11:08 AM  
**To:** Farace, Joseph; Lingelser, Heather  
**Cc:** peterclarke@hotmail.com; pstykel@mccarthy.com  
**Subject:** RPCG Meeting

Joe and Heather,  
Thank you for attending the Ad hoc committee meeting for the Ramona community planning group last Monday,  
We appreciate all of the clarifications that you provided, it really helps us as a group to move forward with all of the marketing and promotional materials that the RVVA is working on for the region.  
On the matter of sourced wine and as we discussed at that meeting , we as a group would respectfully request that the wording for the Boutique winery be changed to allow us source 15% of our production in grapes and 10% of our production in finished wine from out side of San Diego County.  
Thank you.

--  
*Micole Moore*  
*RVVA President*  
*541-840-5343*



## RAMONA COMMUNITY PLANNING GROUP

15873 HWY 67, RAMONA, CALIFORNIA 92065

Phone: (760)445-8545

*Jim Piva*  
Chair

January 8, 2016

*Dan Scherer*  
Vice-Chair

Heather Steven Lingelser  
Land Use/Environmental Planner  
Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

*Kristi Mansolf*  
Secretary

*Torry Brean*

RE: COUNTY OF SAN DIEGO ZONING ORDINANCE  
AMENDMENT RELATED TO LIMITED WHOLESALE,  
BOUTIQUE AND SMALL WINERIES (POD 14-005)

*Jim Cooper*

*Scotty Ensign*

The Ramona Community Planning group, in conjunction with local vineyard operators and stakeholders, has reviewed the proposed boutique winery ordinance revisions. After lengthy discussion, compromise, and collaboration, we propose the following changes:

*Eb Hogervorst*

*Barbara Jensen*

### Section 2

*Frank Lucio*

There is a concern that this section could lead to an intentional restriction on small scale retail sales that are common in most tasting rooms. Our goal is to allow wholesale purchased wine related items, winery branded items, and prepackaged food. Consigned items should not be permitted. A partial list of typical retail items is as follows: winery branded apparel, wine accessories (foil cutters, openers, stoppers, aerators, etc.), decorative wine themed flatware and glassware, olive oil, vinegars, wine themed jellies, books and magazines related to wine or the immediate region, wine related art, ornaments, soap, candles, grape vine wreaths, wine barrel furniture, etc. Retail items must be sold within the limited space allowed.

*Donna Myers*

*Elio Noyas*

*David Ross*

*Paul Stykel*

*Rick Terrazas*

*Richard Tomlinson*

### Sections A.1, B.1, & C.1

In the first sentence change "Prior to the occupancy of the winery structures and the production of wine..." to "Prior to the production of commercial wine..."

Multiple building applications have been turned down by the county due to the imposed requirement at the counter for having the O2 winegrowers license. The O2 winegrowers license requires that you

demonstrate to ABC that you already have a lockable structure, therefore shutting down the approval process.

**Section A.3**

Change “Wholesale internet sales, phone sales and mail-order sales are allowed.” to “Internet sales, phone sales and mail-order sales are also allowed.” The word “wholesale” is unnecessary in this context.

**Section A.3**

Committee seeks clarification that large equipment could be stored in non-production space while not in use and not impact production square footage. A partial list of large equipment that is used seasonally is attached.

**Section B.3**

“To ensure compatibility with lot size, a minimum of 25% of the winery's production shall be from fruit grown on the premises. To encourage support of local farming, a minimum of 50% of the winery's additional production shall be from fruit grown in San Diego County, sourced only as fruit or juice. To recognize the need for flexibility, the remaining 25% of the winery's production may be sourced from anywhere, as fruit, juice or wine. This may be from San Diego County or elsewhere. No more than 25% of the winery’s production may consist of wine sourced from off premises.”

Source	Production	Grapes Wine	
On Premises	25%	Required	N/A
San Diego County	50%	Permitted	Prohibited
Anywhere (including San Diego)	25%	Permitted	Permitted

Delete the sentence “No wine produced outside San Diego County may be sold on the premises or used in the winery’s production.”

The intention here is to limit off site bulk production (down from 50% within the county), but still allow a small amount of wine to come from either within or outside the county to minorly compliment sales or for blending purposes.

While the committee preferred the percentages named above, we also propose a second scenario should the first prove unfeasible:

Source	Production	Grapes Wine	
On Premises	25%	Required	N/A
San Diego County	65%	Permitted	Prohibited

Anywhere (including San Diego) 10% Permitted Permitted

**Section B.4**

Same comments as section A.3

**Section B.5**

In section iii reword to “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 in accordance with table B.3.”

For section v

Change “Retail internet sales, phone sales and mail-order sales are allowed” to “Internet sales, phone sales and mail-order sales are also allowed.”

**Section B.6**

Group would like to remove “including any activities or gatherings that are advertised or promoted.” County position is that the EIR requires this restriction remains. Group position would like to suggest added flexibility to this point. Educational events could still be advertised.

**Section B.8**

The committee is supportive of the change, but would like to make sure there is additional review of this change by council to ensure compliance with the EIR. We would like to be sure this would not result in challenges to the ordinance due to light pollution issues.

**Section B.13**

Change “and shall be used only during the hours of operation specified in subsection b.8.” to “and shall be used by the public only during the hours of operation specified in subsection b.8.” County does not think this would be a problem, but agrees that clarification could be added to ensure this does not create a problem for homeowners.

**Section C.3**

Change “On site” to “On premises” for better continuity.

Change “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” to

“On parcels smaller than 8 acres 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. On parcels 8 acres or larger, 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.”

January 8, 2016

POD 14-005

This will allow boutique wineries on suitably large parcels to continue to grow into a small winery through acquisition of land, but also limit the impacts that could take place on lots which do not have the space for a larger operation.

Sincerely,

*Kristl Mansell, Secretary*

*for*

JIM PIVA, Chair  
Ramona Community Planning Group

Attachment: Tools of the Winery Industry

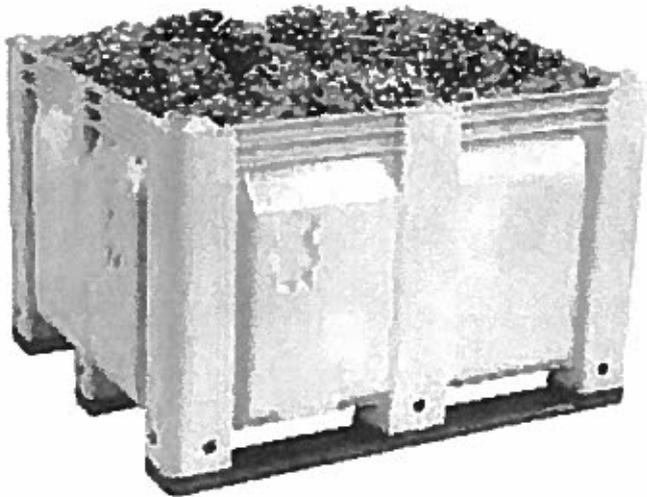
Copy: Joseph Farace, Planning and Development Services

### Section A.3

Items used seasonally or not full time.

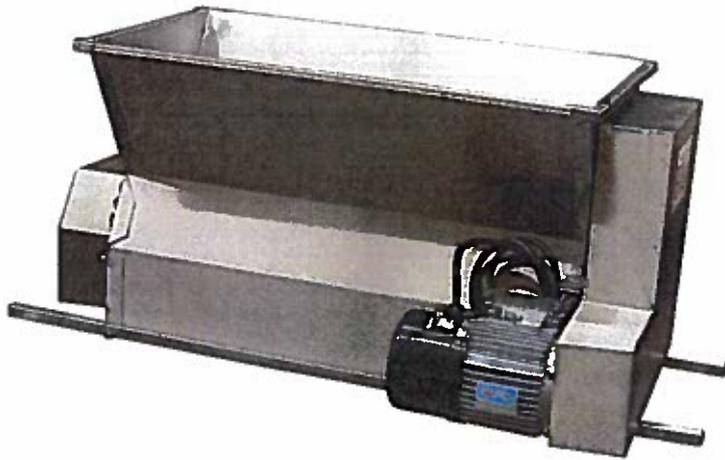
All of these items take up a considerable amount of room when not in use and it would be most helpful to be able to store them in an ag building until needed.

Harvest Bins.



Section A.3

Crusher /Destemmer.



Section A.3

Grape Press.



Section A.3

Empty Barrels and Racks.



Empty Tanks and stands



Section A.3

Settling tanks.

