



*The County of San Diego*

# Planning Commission Hearing Report

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<b>Date:</b>	February 5, 2016	<b>Case/File No.:</b>	POD-14-005
<b>Place:</b>	County Conference Center 5520 Overland Avenue San Diego, CA 92123	<b>Project:</b>	Amendment to Tiered Winery Ordinance
<b>Time:</b>	9:00 a.m.	<b>Location:</b>	County-wide
<b>Agenda Item:</b>	#3	<b>General Plan:</b>	Various
<b>Appeal Status:</b>	Board of Supervisors is the final decision maker	<b>Zoning:</b>	A70 & A72 zones
<b>Applicant/Owner:</b>	County of San Diego	<b>Community:</b>	All
<b>Environmental:</b>	Addendum to previously certified EIR	<b>APNs:</b>	N/A

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## A. EXECUTIVE SUMMARY

### 1. Requested Actions

This is a request for the Planning Commission to evaluate a proposed amendment to the Zoning Ordinance related to Limited Wholesale, Boutique and Small Wineries. The proposed project is an amendment to clarify the intent of the Ordinance and to resolve discrepancies within the limitations of the previously certified Final Environmental Impact Report, certified on August 4, 2010. Planning & Development Services (PDS) recommends that the Planning Commission take the following actions:

- a. Find that it has reviewed and considered the information contained in the Addendum to the previously certified Environmental Impact Report, dated January 13, 2016, and on file with Planning & Development Services (PDS) as Environmental Review Number ER-08-00-004A, prior to making its recommendation on the project (Attachment C).
- b. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO AMEND THE WHOLESAL LIMITED, BOUTIQUE AND SMALL WINERIES REGULATIONS (Attachment B).

**2. Key Requirements for Requested Actions**

- a. Is the proposed project consistent with the vision, goals, and policies of the General Plan?
- b. Does the project comply with the California Environmental Quality Act (CEQA)?

**B. REPORT SUMMARY**

The purpose of this staff report is to provide the Planning Commission with the information necessary to make recommendations to the Board of Supervisors (Board) regarding proposed amendments to the Zoning Ordinance related to Wholesale Limited, Boutique and Small Wineries (Tiered Winery Ordinance), and to evaluate the environmental findings prepared for this project in accordance with CEQA.

**C. PROPOSAL**

**1. Background**

On June 18, 2008 (5), the Board directed staff to develop tiered regulations that more comprehensively address various sized wineries, including winery uses by right, and directed the preparation of an Environmental Impact Report (EIR) to evaluate potential impacts associated with the proposed winery uses. On April 30, 2010 staff presented a Tiered Winery Zoning Ordinance Amendment and Draft EIR (POD-08-12) to the Planning Commission and received a recommendation to the Board for approval.

On August 4, 2010 (1), the Board of Supervisors approved the Zoning Ordinance Amendments to establish a Tiered Winery Ordinance and certified the Final EIR. This project consisted of amendments to comprehensively address regulations in A70 and A72 zones for various sized wineries, including allowing some winery uses without requiring a discretionary permit (also known as "by right").

The project introduced a new winery classification "Packing and Processing: Small Winery" that is allowed subject to limitations and with an approved Administrative Permit. It also revised the previous regulations to increase the by right wine production for "Packing and Processing: Wholesale Limited Winery" and allowed the "Packing and Processing: Boutique Winery" Use Type by right. This change allowed for tasting rooms in conjunction with ongoing agricultural vineyard operations, subject to specified standards and limitations. One of the main objectives for this project was to provide a category that allows wine tasting and direct sales to the public by right. In order to achieve this objective and to adequately reduce or avoid potential impacts from Boutique Wineries, limitations were included in the ordinance to assure compliance with the Final EIR.

Establishing the Tiered Winery Ordinance was a lengthy process that involved many public meetings. After the final adoption of the Ordinance and certification of the Final EIR, the adequacy of the document was challenged in Superior Court and the Court of Appeals. Ultimately, the Final EIR was found to be sufficient.

Since its adoption, a number of issues have arisen that affect the adequate implementation of the Ordinance. The proposed Amendment is an effort to clarify the intent of the Ordinance and to resolve discrepancies with existing language. Only revisions which are within the limitations of the

existing Final EIR and attached Addendum (Attachment C) are being proposed. Any proposals or requests for ordinance revisions which would result in the need for an amendment to, and recirculation of, the previously certified Final EIR are not considered as part of this project.

## **2. Project Description**

This project proposes to amend Zoning Ordinance Section 6910, “Wholesale Limited, Boutique and Small Wineries”. The Amendment is intended to clarify the intent of the ordinance and the various limitations within the winery tiers, address ambiguities related to sourcing of fruit, the size of the allowed tasting areas and defining events, and allow additional flexibility related to the sourcing of wine, food service and hours of operation within the limitations of the Tiered Winery Ordinance Final EIR, dated July 10, 2010.

Two public workshops were held, the first on January 17, 2014 and another on July 1, 2015. A draft Ordinance Amendment was provided on June 26, 2015 for discussion and comments. Based on input received from stakeholders and County departments, staff made revisions to the draft Ordinance Amendment.

A revised draft Ordinance was sent out for 45-day public review from October 9 to November 23, 2015. Based on input received, additional revisions were made and are reflected in the attached draft Ordinance. (Attachment B).

## **D. ANALYSIS AND DISCUSSION**

The project has been reviewed to ensure it conforms to all the relevant ordinances and guidelines, including, but not limited to, the San Diego County General Plan and CEQA Guidelines. A detailed discussion of the project analysis and consistency with applicable codes, policies, and ordinances is as follows.

The Tiered Winery Ordinance Final EIR identified specific objectives for the project which included encouraging the growth of the wine industry in the county, streamlining and clarifying the approval process for the operation of wineries, providing regulatory tiers that correspond to the different major phases in the growth of a winery, while providing for operational flexibility and incremental growth within each tier, providing a winery category that allows wine tasting and direct sales to the public by right, minimizing the potential for conflicts between winery operations and adjacent land uses, supporting local agriculture and encouraging the production of local grapes and creating a market for the use of locally grown grapes.

This proposed Amendment intends to support these objectives by clarifying the original intent of the ordinance and resolving existing ambiguities in the ordinance language.

### **1. Zoning Ordinance Amendments**

This section describes the proposed amendments to the winery sections which are considered to be the most significant and summarizes comments received during the public review period.

Based upon the comments received, some winery owners feel that the proposed Ordinance Amendment is adding new restrictions, taking away their rights and harming their ability to benefit from new commercial opportunities at winery properties. Other winery owners feel that the existing limitations need to be clarified and strengthened in order to maintain the original intent and

objectives of the Tiered Winery Ordinance, and more specifically, the Boutique Winery category. Staff reviewed and carefully considered all comments and made revisions to the draft ordinance to address the issues, as clarified below. However, suggested revisions which would result in the need for an amendment to, and recirculation of, the previously certified Final EIR were not considered.

Attachment D-1 provides a complete summary of all comments received, staff's response to comments received and copies of all comment letters. Additional comment letters are provided in Attachments D-2 and D-3.

Section 6910, Limited Wholesale, Boutique and Small Wineries:

Purpose: A statement of purpose is being added order to clarify the intent of the winery regulations. It states: "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." Many comments were received related to addition of the final sentence in this statement. Some winery operators are concerned that the final sentence will prohibit opportunities for generating additional revenue to support their winery operations. However, some stakeholders support the addition of this language.

The intention of the ordinance and the project objectives, identified in the Tiered Winery Ordinance Final EIR adopted for the project, is to provide regulatory tiers that correspond to the different major phases in the growth of a winery, while providing for operational flexibility and incremental growth within each tier. Further, the intent is to provide a winery category (Boutique Winery) that allows wine tasting and direct sales to the public by right, to support local agriculture and encourage the production of local grapes while minimizing potential for conflicts between winery operations and adjacent land uses. The last sentence remains in the proposed draft Ordinance (Attachment A). Additional commercial opportunities are available to Small Wineries, such as hosting events for the public, extended hours of operation and larger production facilities and tasting/retail sales areas, upon approval of an Administrative Permit.

Size of Production Facility: Sections 6910 a.3 and b.4 of the Ordinance specify the maximum floor area limitations for a production facility allowed by right, based on the size of the property. No change is proposed to the maximum size allowed by right in the Wholesale Limited or Boutique Winery categories. The limitations have been converted to a table format to simplify the ordinance. Numerous comments were received requesting that the minimum areas allowed by right be increased. Winery operators feel that the limitations do not allow for adequate space to produce the quantities of wine allowed as well as storing all of the equipment required for the harvesting and wine making processes.

The limitations on the size are specified in the Final EIR for the Tiered Winery Ordinance as a way to reduce/avoid impacts from boutique wineries and to ensure consistency with land use and compatibility to surrounding areas. Increasing the size allowed by right would likely require an amendment to, and recirculation of, the Final EIR. Additional area for production facilities and tasting areas may be allowed upon approval of an Administrative Permit.

Additional language has been added to the Ordinance to state "No barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be used as



production facility or tasting/retail sales area". This clarification is needed as these accessory structures, associated with the residence or other non-winery agricultural uses, are allowed on the property but they may not be used as part of the winery production facility. Existing structures may be converted to winery production facility use upon approval of appropriate building permits, within the allowed size limitations. Comments were received requesting that this language be removed from the ordinance; staff feels that it is necessary for clarity.

Questions have been raised by stakeholders regarding the storage of large farming equipment such as tractors, fork lifts and large bins. Winery operators are concerned that the area where these large items are stored is included as part of the square footage of the "production facility". Staff discussed these concerns with stakeholders and feels that storage of this type 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. A property with a vineyard and no production facility (winery) would be allowed to store equipment in an agricultural building pursuant to Zoning Ordinance Section 6156.g. 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.

Sourcing of fruit and wine: Sections 6910 a.4, b.3 and c.3 of the Ordinance specify the percentage of the fruit used in production which must be grown on the premises for each winery tier. In addition, there are varying quantities of fruit or juice that may be sourced from elsewhere in San Diego County. The wineries may also source a specified amount of fruit from outside of San Diego County. No changes are proposed to the required sourcing percentages for any of the winery tiers. Currently the ordinance does not allow sourcing of wine from within or outside of the County for any of the winery tiers. Wineries approved with a Major Use Permit are not subject to the sourcing limitations of Section 6910.

Many comments received suggested changes to the sourcing limitations. These requirements were included in the original Zoning Ordinance in order to assure that specified percentage of grapes are being grown on the property where the wine is made. Flexibility is being added with this amendment to allow boutique wineries to use wine sourcing from within the County in their production and to allow Small Wineries to use wine sourced from within the County and outside the County in their production.

Size of tasting/retail sales areas (Boutique Wineries): Section 6910 b.5 currently states that "One tasting/retail sales room is allowed. The tasting/retail sales room shall be accessory to wine production and shall not exceed 30% of the total square footage of the structure."

Amendments to the existing language are needed for clarification. There are differing interpretations of the calculation of the allowed size of the tasting room. The draft Ordinance now states that the tasting area is in addition to the production facility area permitted rather than stating that the tasting area is 30% of the production facility structure. This will allow as much area as possible within the existing ordinance limitations.

Although the current Zoning Ordinance allows a tasting/retail sales "room", many wineries want to offer wine tasting outdoors. To accommodate boutique winery operators, this section is being

revised to state that a tasting/retail sales “area” is allowed and to define this as “a room, cave, trellis, and/or outdoor patio area (covered or uncovered) that is dedicated for wine tasting and sales of wines produced on-site and food related items”. All of these areas combined must still comply with the size limitation of the 30% of the size of the production facility structure.

The amendment also proposes to add that “all areas accessed by the public must be permitted and constructed in compliance with the applicable commercial building code, including the requirements of the Americans with Disabilities Act” (ADA). In order for existing structures on a winery property to be used for the winery production or tasting/retail sales area, the structures must meet commercial building code standards, as required by state law. This information is being added so that there is clarity to all winery operators as to the existing building code requirements.

Events (Wholesale Limited and Boutique Wineries): Sections 6910 a.2 and b.6 currently prohibit events, including but not limited to weddings and parties. The proposed Amendment proposes to add a definition of an event to subsection b.6 to assure that there is a clear understanding of the limited activities that are allowed at boutique wineries. The proposed definition of an event is “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.”

Many stakeholders suggested that events be allowed at boutique wineries to attract additional customers, to enhance the winery experience for customers and to provide additional revenue at their wineries. There were also requests to remove the prohibition of advertising and promotion from the definition. This prohibition of advertising and promotion is only applicable to “events”. Winery operators may advertise their winery and all allowed operations, including wine production, wine sales, wine tasting, agricultural instruction and educational tours.

Boutiques Wineries are a “by right” use, as such, there were specific limitations included within the existing ordinance and the Final EIR to reduce the potential impacts from increased traffic, parking areas and vehicles. In addition, the Final EIR specified that “events, including but not limited to weddings and parties, are prohibited.” The purpose of the Ordinance was to provide a winery category (Boutique Winery) that allows wine tasting and direct sales to the public by right. Amending the existing Ordinance to allow events at Boutique Wineries would likely require an amendment to, and recirculation of, the Final EIR.

The Ordinance has been amended to indicate that community events may take place at a boutique winery. Community events are a temporary accessory use that is allowed on most properties pursuant to Section 6106 of the Zoning Ordinance. Community Events are sponsored by a nonprofit organization or any agency of the federal, State or local government that takes place at a fixed location for a limited number of days and are open to the general public. These events are subject to the regulations of the Department of Environmental Health (DEH) and Sheriff Licensing provisions.

Events may be permitted at a Small Winery upon approval of an Administrative Permit. This process allows review of the proposed winery operation, frequency of events and the number of guests, noise, hours of operation, traffic and 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 and for neighbors’ concerns to be addressed.

Sale and consumption of food: Section 6910 b.7 currently allows the sale and consumption of prepackaged foods in the Boutique Winery category. In addition, “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”. Catering is regulated by the state law and is licensed by DEH. Under existing requirements, caterers must prepare their food at a licensed commercial kitchen and transport it to the winery. There is allowance for some finishing of food at the site. There has been substantial confusion regarding the types of food service allowed at the boutique wineries. The intent was to allow winery operators to offer food to their wine tasting patrons during the hours of operation. However, made-to-order food for the public is not allowed under current catering limitations.

In order to provide some additional opportunity for limited food preparation, the proposed Ordinance would allow one mobile food facility (food truck) on the premises during the hours of operation. The mobile food facility would be required to have valid permits from DEH and must conform to all requirements applicable to mobile food facilities. One of the requirements is that there is access to a commercial restroom for the mobile food facility employees if it is parked in one location for more than one hour. The restroom at the winery will need to meet the requirements of the commercial building code in order to comply with the requirements for mobile food facility operational guidelines. A suggestion was made to change the language to state that the restroom be “ADA compliant”. Commercial restrooms will be ADA compliant, however this change is not considered since portable restrooms may meet ADA requirements but are not allowed to satisfy the mobile food facility operational guidelines.

Hours of operation: Section 6910 b.8 of the Zoning Ordinance currently allows Boutique Wineries to operate a tasting/retail tasting room from 10:00 am to legal sunset, seven days a week. An amendment is proposed to allow the tasting/retail sales areas to operate until 6:00 pm from November 1 through March 1. This would allow up to an additional hour and 10 minutes of operation (on the shortest day of the year). A comment was received objecting to this change stating that this additional time after sunset would encourage additional outdoor lighting of the tasting areas and parking areas. 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. The limitation on the hours of operation was included in the ordinance to assure reduction in impacts from noise and traffic associated with by right Boutique Wineries, as identified in the Final EIR. Since this change would only be applicable for four months of the year and would extend the operations up to one hour and 10 minutes, there are no additional impacts associated with this change.

Amplified sound: Section 6910 b.11 states that “amplified sound is not allowed” at Boutique Wineries. A minor amendment is proposed to clarify that “outdoor” amplified sound is not allowed. Many comments were received requesting that this requirement be removed since all winery operations are required to conform to the County Noise Ordinance. This language was included in the Ordinance to assure reduction in impacts from noise associated with by right Boutique Wineries. The Final EIR specifically states that amplified sound is not allowed as a design consideration to reduce or avoid potential noise impacts. Removing this language from the proposed Ordinance would likely require an amendment to, and recirculation of, the EIR, therefore this must remain in the Ordinance. The limitations of the noise ordinance are also applicable all properties.

Outdoor eating areas: Section 6910 b.13 limits outdoor eating areas to a maximum of five tables and seating for no more than 20 people. An amendment is proposed to add that these areas “shall be used only during the hours of operation specified in subsection b.8”. Many stakeholders requested that this language be removed. They expressed concern that this would restrict the winery operators from being able to use their property for personal use outside of the winery hours. A suggestion was made to add that the areas would be used “by the public” only during the hours of operation specified. 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.

Vehicles: Section 6910 b.14 prohibits vehicles with a capacity in excess of 12 passengers at Boutique Wineries. The proposed amendment would allow vehicles up to 15 passengers since these vehicles are the same dimension and size as 12 passenger vehicles. Comments have been received requesting that vehicles of 21 to 24 passengers be allowed since “local companies do not run 12 passenger vehicles”. The limitation was included in the Ordinance to assure reduction in impacts from increased traffic, parking areas and vehicles associated with by right Boutique Wineries. Many wineries are accessed by private roads which typically are narrower than public roads and are not designed to accommodate larger busses and vehicles. The Final EIR specifically states that vehicles with a capacity in excess of 12 passengers are not allowed as a design consideration to reduce or avoid potential traffic impacts. Amending this language in the ordinance to allow larger vehicles with increased passenger capacities would require an amendment to, and recirculation of, the EIR, therefore this must remain in the Ordinance.

Fruit grown on the premises (Small Winery): The existing ordinance requires that a certain percentage of fruit used in the production of wine be grown on the premises of the winery. The percentage varies based on the winery tier. Many stakeholders questioned the possibility of allowing fruit grown on another property under the same ownership or under lease to be considered as “fruit grown on the premises” to help satisfy the ordinance requirements. Currently, fruit grown on a non-contiguous property is considered in the percentage of fruit sourced from within the county. In order to accommodate this proposal, criteria have been added to the Small Winery section to allow this option upon approval of an Administrative Permit. The proposed addition of Section 6910 c.3.iv may allow the fruit grown on a separate property to be included as the “fruit grown on the premises” provided only one of the parcels has the wine production facilities, tasting area and events, and which shall be a minimum of four acres in size. A requirement was also added that least half of the required “fruit grown on the premises” must be from the parcel which contains the production facilities and tasting area. During public review, a commenter noted that the draft language may limit the size that the additional property could be since half of the grapes would need to be grown on the four acre property. The Ramona Community Planning Group recommended revisions to this subsection to require at least 50% of the “fruit grown on the premises” be from the production facility property if the parcel is smaller than eight acres in size. The requirement would be only 25% of the “fruit grown on the premises” to be grown on the production facility parcel for lots of eight acres or more. In addition, events would only be allowed on the parcel which contains the production facility and tasting area.

## 2. General Plan Consistency

The proposed project is consistent with the following relevant General Plan goals, policies, and actions as described in Table D-1.

*Table D-1: General Plan Conformance*

<b>General Plan Policy</b>	<b>Explanation of Project Conformance</b>
Guiding Principle 8 – Preserve agriculture as an integral component of the region’s economy, character, and open space network.	The proposed Ordinance supports the preservation of existing agriculture and encourages new agricultural operations by providing tiered winery options including opportunities for by right wineries with tasting areas and direct retail sales of wine to the public.
GOAL LU-7 - Agricultural Conservation.	The proposed Ordinance supports the continuation of agriculture in the rural areas by promoting the production of grapes within the County and the production of wine from locally grown grapes.
GOAL COS-6 Sustainable Agricultural Industry.	The proposed Ordinance supports a viable and long-term agricultural industry and sustainable agricultural land uses in the County by providing opportunities for by right wineries with tasting areas and direct retail sales of wine to the public.
COS-6.1 Economic Diversity.	The proposed Ordinance supports economic diversification of potential sources of agricultural income by providing tiered winery options including opportunities for by right Boutique Wineries with tasting areas and direct retail sales of wine to the public and Small Wineries with tasting areas, direct retail sales of wine to the public and a venue for hosting events, including weddings.
COS-6.2 Protection of Agricultural Operations.	The proposed Ordinance supports the preservation of existing agriculture and encourages new agricultural operations by providing tiered winery options including opportunities for by right wineries with tasting areas and direct retail sales of wine to the public.

## 3. California Environmental Quality Act (CEQA) Compliance

The project has been reviewed in compliance with the California Environmental Quality Act (CEQA). An Addendum dated January 13, 2016, to the previously certified Environmental Impact Report (Log No. ER-08-00-004, SCH No. 2008101047), was prepared and is on file with Planning & Development Services as Environmental Review Number ER-08-00-004A. The EIR identified various issue areas that were potentially significant including Air Quality, Biology, Cultural Resources, Water Quality, Noise, Transportation/Traffic and Water Supply/Groundwater Supply. Some potential impacts associated with by right Boutique Wineries were reduced or avoided by

adopting environmental design considerations and appropriate limitations in the ordinance. The project, as proposed, would not cause any significant effects on the environment which require mitigation measures, as the proposed ordinance amendments are in compliance with the previously certified EIR. (Attachment C)

#### E. COMMUNITY PLANNING/SPONSOR GROUPS

The proposed Ordinance was distributed to all 26 Community Planning Groups and Community Sponsor Groups (CPG/CSG) for review. Comments were received from the Boulevard and Ramona Community Planning Groups and are summarized below with staff's responses. Copies of all letters received as well as County responses to the comments are in Attachment D-1. Staff attended the December 14, 2015 Ramona CPG Ad Hoc meeting and January 7, 2016 Ramona CPG meeting to discuss the proposed Ordinance Amendments.

<b>CPG/CSG Comments / Responses</b>	
<b><u>Boulevard CPG</u></b>	
November 5, 2015, voted 6-0-0 (1 absent) to authorize Chair to submit the following comments:	
1) <u>Comment:</u> 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.	<u>Response:</u> 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.
2) <u>Comment:</u> Use of drought tolerant varieties of grapes required in areas where groundwater is the sole source of water available.	<u>Response:</u> Zoning Ordinance does not regulate the variety of grapes grown.
<b><u>Ramona CPG</u></b>	
<ul style="list-style-type: none"> <li>December 3, 2015 CPG meeting, voted 11-0-0 (4 absent) to form an Ad Hoc Committee to explore the ordinance and request until January 8, 2016 to provide feedback</li> <li>December 7, 2015, Ad Hoc Committee Meeting</li> <li>December 14, 2015, Ad Hoc Committee Meeting</li> <li>December 21, 2015, Ad Hoc Committee Meeting</li> <li>January 7, 2016, CPG meeting, voted 14-0-0 (1 absent) to support the ordinance with following recommended revisions:</li> </ul>	
1) <u>Comment:</u> 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".	<u>Response:</u> Purpose statement is clarifying that only uses expressly allowed may occur at wineries.
2) <u>Comment:</u> a.1, b.1 & c.1, Suggests change to first sentence to read "Prior to the production of commercial wine..."	<u>Response:</u> a.1, b.1 & 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

CPG/CSG Comments / Responses
<p><i>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 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.</i></p>
<p>3) <u>Comment:</u> a.2, Suggests removal of “Wholesale”.  <u>Response:</u> a.2, Section revised to remove “wholesale” in final draft (Attachment A).</p>
<p>4) <u>Comment:</u> 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.  <u>Response:</u> 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) <u>Comment:</u> 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 the County from 25% to 10% and allow that to include importation of wine.  <u>Response:</u> 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 the County to 10% maximum could greatly limit the availability of adequate amount of grapes for all Boutique Wineries.</p>
<p>6) <u>Comment:</u> 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”.  <u>Response:</u> b.5.iii, Changing the reference to Section b.3 may create confusion since that section regulates the sourcing of grapes used in wine production. In addition, selling wine produced off of the premises is not permitted.</p>
<p>7) <u>Comment:</u> b.5.v, Recommends removing reference to retail and state “Internet sales, phone sales and mail-order sales are allowed”.  <u>Response:</u> b.5.v, Section revised as recommended in final draft (Attachment A).</p>
<p>8) <u>Comment:</u> b.6, Suggests removing “including an activities or gatherings that are advertised or promoted” to allow flexibility. Educational events could still be advertised.  <u>Response:</u> 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>

CPG/CSG Comments / Responses	
9) <u>Comment:</u> b.8, Supports change to allow tasting area operations until 6 pm (Nov. 1- Mar. 1) however would like review of change by Counsel to ensure compliance with EIR.	<u>Response:</u> b.8, <i>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 1st up to one hour and 13 minutes on the shortest day of the year.</i>
10) <u>Comment:</u> b.13, Suggests addition that tasting areas shall be used “by the public” during hours of operation.	<u>Response:</u> b.13, <i>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.</i>
11) <u>Comment:</u> c.3., Suggests changing “on-site” to “on premises” for better continuity.	<u>Response:</u> c.3, <i>Comment noted.</i>
12) <u>Comment:</u> 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.	<u>Response:</u> c.3.iv, <i>Change made (see Attachment A).</i>
13) <u>Comment:</u> c.7, “Same comment as B.7”.	<u>Response:</u> c.7, <i>No comment was provided for b.7.</i>

## F. PUBLIC INPUT

Two public workshops were held, the first on January 17, 2014 and another on July 1, 2015. A draft amendment to the Zoning Ordinance was provided on June 26, 2015 for discussion and comments. Comments were received from 10 individuals (See Attachment D-2). Based on input received from stakeholders and County Departments, staff made additional revisions to the draft ordinance amendment.

On October 9, 2015, the revised draft amendment to the Zoning Ordinance was sent out for a 45-day public review period. Notifications were sent to all CPG/CSG's, other outside agencies, including San Diego Farm Bureau, US Alcohol and Tobacco Tax and Trade Bureau (TTB) and Alcoholic Beverage Control (ABC), and other interested parties. In addition, notification was provided via the PDS monthly “e-blast” and the information was posted on the PDS webpage. On December 14, 2015, staff from PDS attended an Ad Hoc meeting with a subcommittee of the Ramona CPG and members of the public to discuss the proposed ordinance amendments. On January 7, 2016, staff from PDS and DEH attended the Ramona CPG meeting to provide information regarding the food options allowed at each winery tier and to answer any questions related to the proposed Ordinance Amendments.

Comments were received from the two CPGs noted above and from 21 additional individuals. Copies of the letters, a summary of the comments received and responses to the comments are in Attachment D-1. Minor amendments have been made to the ordinance based upon some of the comments.



**G. RECOMMENDATIONS**

Staff recommends that the Planning Commission:

- a. Find that it has reviewed and considered the information contained in the Addendum to the previously certified Environmental Impact Report, dated January 13, 2016, on file with Planning & Development Services (PDS) as Environmental Review Number ER-08-00-004A, prior to making its recommendation on the project (Attachment C).

- b. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE TO AMEND THE WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES REGULATIONS (Attachment B).

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***Report Prepared By:***

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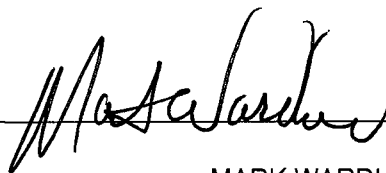
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***Report Approved By:***

Mark Wardlaw, Director  
858-694-2962  
[mark.wardlaw@sdcounty.ca.gov](mailto:mark.wardlaw@sdcounty.ca.gov)

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AUTHORIZED REPRESENTATIVE: \_\_\_\_\_



MARK WARDLAW, DIRECTOR

**ATTACHMENTS:**

Attachment A – Zoning Ordinance Amendment-Strike-out/Underline Copy

Attachment B – Zoning Ordinance Amendment-Clean Copy

Attachment C – Environmental Documentation

Attachment D – Public Documentation

D-1 Comments Received during Public Review Oct-Nov 2015

D-2 Comments Received July 2015

D-3 Other Correspondence Received

**Attachment A – Zoning Ordinance Amendment -  
Strike-out/Underline Version**

DRAFT January 12, 2015  
Information Copy

**POD-14-005**

(Underline indicates addition)

(~~Strikeout~~ indicates deletion)

**ORDINANCE NO. \_\_\_\_\_ (NEW SERIES)**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE TO AMEND THE WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES REGULATIONS (POD 14-001)**

The Board of Supervisors of the County of San Diego ordains as follows:

**Section 1.** The Board of Supervisors finds and determines that the following amendments of the Zoning Ordinance to amend the Wholesale Limited, Boutique and Small Wineries regulations are reasonable and necessary for the public health, safety, convenience, and welfare and are consistent with the General Plan.

**Section 2.** Section 6910 of the Zoning Ordinance is amended to read as follows:

**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 occupancy of the winery structures and the production of wine, Aa 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.
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. Internet ~~sales~~, phone ~~sales~~ 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: to 1,000 square feet where the lot is less than one gross acre. A maximum floor area of 1,500 square feet is allowed where the lot is one acre or more but less than two acres gross, and 2,000 square feet of floor area is allowed where the lot is two to four acres gross. An additional 200 square feet of floor area is allowed for each acre over four acres, up to a maximum of 5,000 square feet of additional allowed floor area.

<u>Lot Size (gross)</u>	<u>Production Facility Size (cumulative max.)</u>
<u>&lt; 1 ac</u>	<u>1,000 sf</u>
<u>1 ac - &lt;2 ac</u>	<u>1,500 sf</u>
<u>2 ac - 4 ac</u>	<u>2,000 sf</u>
<u>For each acre over 4 acres</u>	<u>200 sf additional per acre, not to exceed 5,000 sf</u>

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

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.

<u>SOURCE</u>	<u>PRODUCTION AMOUNT</u>	<u>GRAPES (FRUIT/JUICE)</u>	<u>WINE</u>
<u>On-site</u>	<u>25% (min.)</u>	<u>Required</u>	<u>N/A</u>
<u>Within/Outside San Diego County</u>	<u>75% (max.)</u>	<u>Permitted</u>	<u>Prohibited</u>
<u>TOTAL</u>	<u>100%</u>		

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.
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 of Regulatory Ordinances relating to Noise Abatement and Control.

7. A Wholesale Limited Winery shall demonstrate compliance with the ~~emergency travel times~~ Travel Time Standards from the Closest Fire Station, specified in the ~~Public Facilities Element, Section 14~~ Safety Element, Table S-1.
- 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, Aa 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.
  2. Wine production shall be less than 12,000 gallons annually.
  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 shall be from fruit grown on the premises. A minimum of 50% of the winery's production 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.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	50% (min.)	Permitted	Permitted
Outside San Diego County	25% (max.)	Permitted	Prohibited
TOTAL	100%		

No wine produced outside San Diego County may be sold on the premises or used in the winery's production.

- i. The owner of the winery shall maintain records detailing the total annual production amount of fruit grown on the premises and the amount of fruit, juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
  - ii. The records shall indicate the dates of receipt and quantities of all imported fruit, juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
  - iii. All records shall be provided within 14 days of request by County staff.
4. The maximum floor area of the production facility (non-residential structure(s)) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices, is limited as follows: to 1,000 square feet where the lot is less than one gross acre. A maximum floor area of 1,500 square feet is

~~allowed where the lot is one acre or more but less than two acres gross, and 2,000 square feet of floor area is allowed where the lot is two to four acres gross. An additional 200 square feet of floor area is allowed for each acre over four acres, up to a maximum of 5,000 square feet of additional allowed floor area.~~

<u>Lot Size (gross)</u>	<u>Production Facility Size (cumulative max.)</u>
<u>&lt; 1 ac</u>	<u>1,000 sf</u>
<u>1 ac - &lt;2 ac</u>	<u>1,500 sf</u>
<u>2 ac - 4 ac</u>	<u>2,000 sf</u>
<u>For each acre over 4 acres</u>	<u>200 sf additional per acre, not to exceed 5,000 sf</u>

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 for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910b.4 may contain ~~One~~ tasting/retail sales room/area is allowed in addition to the Boutique Winery structures permitted in 6910.b.4. The tasting/retail sales room/area shall be accessory to wine production, and shall not exceed 30% of the total square footage of the all permitted Boutique Winery production facility structures, used for wine production, 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 Americans with Disabilities Act;
  - ii. Barns and agricultural storage buildings on the premises which are not permitted as part of the Boutique Winery production facility shall not be included for purposes of calculating the allowed area of the tasting/retail sales area;
  - iii. For the purposes of this Section, a tasting/retail sales area is defined as a room, cave, trellis and/or outdoor patio area (covered or uncovered) that is dedicated for wine tasting and sales of wines produced on-site and food related items;
  - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes.
  - v. Internet sales, phone sales and mail-order sales are allowed.
6. Events, including but not limited to weddings and parties, are prohibited except as provided in this Section. An event, for purposes of this Section, is defined as the use of the site for organized activities or gatherings (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours), including any activities or gatherings that are 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).

7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be ~~approved~~ permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
  - i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in b.8;
  - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
  - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
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.
9. A minimum of six parking spaces shall be provided for customers-patrons using the Boutique Winery, and a minimum of three spaces shall be provided for employees and 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 Aamplified sound is not allowed.
12. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code ~~of Regulatory Ordinances~~ 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 in conjunction with allowed Boutique Winery operations only during the hours specified in subsection b.8.
  14. Vehicles with a capacity in excess of ~~42~~15 passengers are not allowed to serve the Boutique Winery.
  15. A Boutique Winery shall demonstrate compliance with the ~~emergency travel times~~Travel Time Standards from the Closest Fire Station, specified in the ~~Public Facilities Element, Section 11~~Safety Element, Table S-1.
- 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, Aa 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.
  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 sourced fruit, juice or wine from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	25% (min.)	Permitted	Permitted
Outside San Diego County	50% (max.)	Permitted	Permitted
TOTAL	100%		

- i. The owner of the winery shall maintain records detailing the amount of fruit grown on the premises (including properties pursuant to subsection iv) and the amount of fruit/juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
- ii. The records shall indicate the dates of receipt and quantities of all imported fruit/juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
- iii. All records shall be provided within 14 days of request by County.



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

5. Events, including but not limited to weddings and parties, may be allowed as specified in the Administrative Permit upon the making of the findings in Section 6910.c.6. Events shall comply with the requirements of Section 21.201 et seq. of the County Code.

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

6. An Administrative Permit for a Small Winery is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
- i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - a) Harmony in scale, bulk, coverage and density.
    - b) The availability of public facilities, services and utilities.
    - c) The harmful effect, if any, upon desirable neighborhood character.
    - d) The generation of traffic and the capacity and physical character of surrounding streets.
    - e) The suitability of the site for the type and intensity of use or development which is proposed.
    - f) Any other relevant impact of the proposed use.
  - ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - iii. That the requirements of the California Environmental Quality Act have been complied with.
  - iv. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
7. A Small Winery shall demonstrate compliance with the ~~emergency travel times~~ Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1.
- ~~8. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.~~

**Section 3. Effective Date.** This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the \_\_\_\_\_, a newspaper of general circulation published in the County of San Diego.

DRAFT

**Attachment B – Zoning Ordinance Amendment -  
Clean Version**

DRAFT January 12, 2015  
Clean Copy

**ORDINANCE NO. \_\_\_\_\_ (NEW SERIES)**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE TO AMEND THE WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES REGULATIONS (POD 14-001)**

The Board of Supervisors of the County of San Diego ordains as follows:

**Section 1.** The Board of Supervisors finds and determines that the following amendments of the Zoning Ordinance to amend the Wholesale Limited, Boutique and Small Wineries regulations are reasonable and necessary for the public health, safety, convenience, and welfare and are consistent with the General Plan.

**Section 2.** Section 6910 of the Zoning Ordinance is amended to read as follows:

**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 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.
  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 parties, are prohibited. 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:

Lot Size (gross)	Production Facility Size (cumulative max.)
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf

Lot Size (gross)	Production Facility Size (cumulative max.)
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

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

4. 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.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
Within/Outside San Diego County	75% (max.)	Permitted	Prohibited
<b>TOTAL</b>	<b>100%</b>		

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.
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 occupancy of the winery structures and the production of wine, Aa 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.

2. 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 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.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	50% (min.)	Permitted	Permitted
Outside San Diego County	25% (max.)	Permitted	Prohibited
TOTAL	100%		

No wine produced outside San Diego County may be sold on the premises or used in the winery's production.

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

Lot Size (gross)	Production Facility Size (cumulative max.)
< 1 ac	1,000 sf
1 ac - <2 ac	1,500 sf
2 ac - 4 ac	2,000 sf
For each acre over 4 acres	200 sf additional per acre, not to exceed 5,000 sf

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 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, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility 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 Americans with Disabilities Act;
  - ii. Barns and agricultural storage buildings on the premises which are not permitted as part of the Boutique Winery production facility shall not be included for purposes of calculating the allowed area of the tasting/retail sales area;
  - iii. For the purposes of this Section, a tasting/retail sales area is defined as a room, cave, trellis and/or outdoor patio area (covered or uncovered) that is dedicated for wine tasting and sales of wines produced on-site and food related items;
  - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes.
  - v. Internet, phone and mail-order sales are allowed.
6. Events, including but not limited to weddings and parties, are prohibited except as provided in this Section. An event, for purposes of this Section, is defined as the use of the site for organized activities or gatherings (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours), including any activities or gatherings that are 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).
7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.



- i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in b.8;
  - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
  - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
- 8. A tasting/retail sales area in conjunction with a Boutique Winery 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.
- 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. 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 in conjunction with allowed Boutique Winery operations 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 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.

2. Wine production shall be less than 120,000 gallons annually.
3. 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 sourced fruit, juice or wine from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	25% (min.)	Permitted	Permitted
Outside San Diego County	50% (max.)	Permitted	Permitted
TOTAL	100%		

- i. The owner of the winery shall maintain records detailing the amount of fruit grown on the premises (including properties pursuant to subsection iv) and the amount of fruit/juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
- ii. The records shall indicate the dates of receipt and quantities of all imported fruit/juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
- iii. All records shall be provided within 14 days of request by County.
- iv. "Fruit grown on the premises," as that phrase is used above in c.3, may include fruit grown on a separate property or properties under the same ownership or lease as the Small Winery, provided all of the following criteria are met:
  - a) "Separate property" or "properties" shall mean parcels located within the County that are not contiguous to one another, are under the same ownership or lease as the Small Winery, and are part of the same Small Winery operation;
  - b) All properties shall be clearly delineated and included as part of the Small Winery Administrative Permit and shall be subject to all conditions of approval;
  - c) Only one of the parcels shall have the wine production facilities, tasting area and/or event areas. That parcel shall be a minimum of 4 acres in size;
  - d) On parcels smaller than 8 acres in size, at least 50% of the "fruit grown on the premises" shall be grown on the parcel which contains the wine production facilities and tasting area. On

parcels 8 acres or larger in size, at least 25% of the “fruit grown on the premises shall be grown on the parcel which contains the wine production facilities and tasting area;

- e) Events of any kind are permitted only on the parcel which contains the production facility, tasting area, and approved event areas. No events shall be permitted on any of the other properties included as part of the Small Winery.
4. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be permitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Small Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.
- i. One mobile food facility may be allowed on the Small Winery premises to serve the patrons during the approved hours of operation;
  - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
  - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
5. Events, including but not limited to weddings and parties, may be allowed as specified in the Administrative Permit upon the making of the findings in Section 6910.c.6. Events shall comply with the requirements of Section 21.201 et seq. of the County Code.
- Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) are allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).
6. An Administrative Permit for a Small Winery is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
- i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - a) Harmony in scale, bulk, coverage and density.
    - b) The availability of public facilities, services and utilities.

- c) The harmful effect, if any, upon desirable neighborhood character.
- d) The generation of traffic and the capacity and physical character of surrounding streets.
- e) The suitability of the site for the type and intensity of use or development which is proposed.
- f) Any other relevant impact of the proposed use.
- ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
- iii. That the requirements of the California Environmental Quality Act have been complied with.
- iv. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
- 7. A Small Winery shall demonstrate compliance with the Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1.

**Section 3. Effective Date.** This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the \_\_\_\_\_, a newspaper of general circulation published in the County of San Diego.

## **Attachment C – Environmental Documentation**



## County of San Diego

**MARK WARDLAW**  
DIRECTOR  
PHONE (858) 694-2962  
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
[www.sdcounty.ca.gov/pds](http://www.sdcounty.ca.gov/pds)

**DARREN GRETHER**  
ASSISTANT DIRECTOR  
PHONE (858) 694-2962  
FAX (858) 694-2555

**January 13, 2016**

### **Environmental Review Update Checklist Form For projects with Previously Approved Environmental Documents**

#### **FOR PURPOSES OF CONSIDERATION OF Amendment #1 to Wholesale Limited, Boutique and Small Wineries Regulations; POD 14-005; ER-08-00-004A**

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

**1. Background on the previously certified EIR:**

An EIR for the 2010 Tiered Winery Ordinance Amendment (POD 08-012; GPA 10-003; Log No. 08-00-004; SCH No. 2008101047) was certified by the San Diego County Board of Supervisors on August 4, 2010. The Tiered Winery Ordinance Amendment was adopted to better regulate winery operations in the County of San Diego with a tiered system of permitting depending on the amount of wine produced/size of operation. The certified EIR found significant effects to air quality, biological resources, cultural resources, hydrology and water quality, noise, transportation/traffic, and water supply/groundwater supply. These effects were all determined to be significant and unmitigated.

**2. Lead agency name and address:**

County of San Diego, Planning & Development Services  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123

- a. Contact: Heather Lingelser, Project Manager
- b. Phone number: (858) 495-5802
- c. E-mail: [heather.lingelser@sdcounty.ca.gov](mailto:heather.lingelser@sdcounty.ca.gov)

3. Project applicant's name and address:

County of San Diego, Planning & Development Services  
 5510 Overland Avenue, Suite 110  
 San Diego, CA 92123-1239

4. Summary of the activities authorized by present permit/entitlement application(s):

On August 4, 2010, the Board of Supervisors approved Zoning Ordinance Amendments to establish a Tiered Winery Ordinance. A primary component of the ordinance was the creation of a Boutique Winery tier, which allowed for tasting rooms in conjunction with ongoing agricultural vineyard operations.

Since its adoption, a number of issues have arisen that affect the adequate implementation of the ordinance. Planning & Development Services (PDS) has prepared draft amendments to the Tiered Winery Ordinance to resolve discrepancies with existing ordinance language. These amendments would not change the purpose or intent of the Ordinance, but have been proposed to eliminate any ambiguity in the requirements for compliance and to strengthen the County's ability to document compliance with the Ordinance through the maintenance of records regarding the amount of fruit grown on the premises and the origin of all fruit, juice, and/or wine imported from off the premises. In addition, clarification will be added to the Boutique Winery section to further clarify the size and areas included for wine tastings, the definition of an event and clarification of the allowance for catered food. Specifically, Section 6910 of the Zoning Ordinance is proposed to be amended to read as follows (Ordinance revisions are shown in "strike-out/underline." Deletions have been struck out and additions are underlined):

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 occupancy of the winery structures and the production of wine, Aa 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.
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. Internet sales, phone sales 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: to 1,000 square feet where the lot is less than one gross acre. A maximum floor area of 1,500 square feet is allowed where the lot is one acre or more but less than two acres gross, and 2,000 square feet of floor area is allowed where the lot is two to four acres gross. An additional 200 square feet of floor area is allowed for each acre over four acres, up to a maximum of 5,000 square feet of additional allowed floor area.

<u>Lot Size (gross)</u>	<u>Production Facility Size (cumulative max.)</u>
<u>&lt; 1 ac</u>	<u>1,000 sf</u>
<u>1 ac - &lt;2 ac</u>	<u>1,500 sf</u>
<u>2 ac - 4 ac</u>	<u>2,000 sf</u>
<u>For each acre over 4 acres</u>	<u>200 sf additional per acre, not to exceed 5,000 sf</u>

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

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.

<b>SOURCE</b>	<b>PRODUCTION AMOUNT</b>	<b>GRAPES (FRUIT/JUICE)</b>	<b>WINE</b>
<b>On-site</b>	25% (min.)	Required	N/A
<b>Within/Outside San Diego County</b>	75% (max.)	Permitted	Prohibited
<b>TOTAL</b>	100%		

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.
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 of Regulatory Ordinances relating to Noise Abatement and Control.



7. A Wholesale Limited Winery shall demonstrate compliance with the emergency travel times-Travel Time Standards from the Closest Fire Station, specified in the Public Facilities Element, Section 11 Safety Element, Table S-1.
- 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, Aa 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.
  2. Wine production shall be less than 12,000 gallons annually.
  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 shall be from fruit grown on the premises. A minimum of 50% of the winery's production 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.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	50% (min.)	Permitted	Permitted
Outside San Diego County	25% (max.)	Permitted	Prohibited
<b>TOTAL</b>	<b>100%</b>		

No wine produced outside San Diego County may be sold on the premises or used in the winery's production.

- i. The owner of the winery shall maintain records detailing the total annual production amount of fruit grown on the premises and the amount of fruit, juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
  - ii. The records shall indicate the dates of receipt and quantities of all imported fruit, juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
  - iii. All records shall be provided within 14 days of request by County staff.
4. The maximum floor area of the production facility (non-residential structure(s)) used to crush, ferment, store and bottle fruit, wine and other products and equipment used in winemaking, including shipping, receiving, laboratory, maintenance and offices, is limited as follows: to 1,000 square feet where the lot is less than one gross acre. A maximum floor area of 1,500 square feet is allowed where the lot is one acre or more but less than two acres gross, and 2,000 square feet of floor area is allowed where the lot is two to four acres gross. An additional 200 square feet of floor area is allowed for each acre over four acres, up to a maximum of 5,000 square feet of additional allowed floor area.

<u>Lot Size (gross)</u>	<u>Production Facility Size (cumulative max.)</u>
<u>&lt; 1 ac</u>	<u>1,000 sf</u>
<u>1 ac - &lt;2 ac</u>	<u>1,500 sf</u>
<u>2 ac - 4 ac</u>	<u>2,000 sf</u>
<u>For each acre over 4 acres</u>	<u>200 sf additional per acre, not to exceed 5,000 sf</u>

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 for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910b.4 may contain One tasting/retail sales room area is allowed in addition to the Boutique Winery structures permitted in 6910.b.4. The tasting/retail sales room area shall be accessory to wine production, and shall not exceed 30% of the total square footage of the all permitted Boutique Winery production facility structures, used for wine production, 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 Americans with Disabilities Act;
  - ii. Barns and agricultural storage buildings on the premises which are not permitted as part of the Boutique Winery production facility shall not be included for purposes of calculating the allowed area of the tasting/retail sales area;
  - iii. For the purposes of this Section, a tasting/retail sales area is defined as a room, cave, trellis and/or outdoor patio area (covered or uncovered) that is dedicated for wine tasting and sales of wines produced on-site and food related items;
  - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes.
  - v. Internet sales, phone sales and mail-order sales are allowed.
6. Events, including but not limited to weddings and parties, are prohibited except as provided in this Section. An event, for purposes of this Section, is defined as the use of the site for organized activities or gatherings (other than wine production, wine sales, wine tasting, agricultural instruction and educational tours), including any activities or gatherings that are 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).

7. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be ~~approved-permitted~~ by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
  - i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in b.8;
  - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
  - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
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.~~
9. A minimum of six parking spaces shall be provided for ~~customers~~patrons using the Boutique Winery, and a minimum of three spaces shall be provided for ~~employees and 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 ~~of Regulatory Ordinances~~ 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 in conjunction with allowed Boutique Winery operations only during the hours specified in subsection b.8.
14. Vehicles with a capacity in excess of ~~42~~15 passengers are not allowed to serve the Boutique Winery.
15. A Boutique Winery shall demonstrate compliance with the ~~emergency travel times~~Travel Time Standards from the Closest Fire Station, specified in the ~~Public Facilities Element, Section 11~~Safety Element, Table S-1.

- 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, Aa 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.
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 sourced fruit, juice or wine from outside San Diego County.

SOURCE	PRODUCTION AMOUNT	GRAPES (FRUIT/JUICE)	WINE
On-site	25% (min.)	Required	N/A
San Diego County	25% (min.)	Permitted	Permitted
Outside San Diego County	50% (max.)	Permitted	Permitted
<b>TOTAL</b>	<b>100%</b>		

- i. The owner of the winery shall maintain records detailing the amount of fruit grown on the premises (including properties pursuant to subsection iv) and the amount of fruit/juice and/or wine imported from off the premises, to demonstrate compliance with this Section.
- ii. The records shall indicate the dates of receipt and quantities of all imported fruit/juice and/or wine and shall indicate the off-site growers name, address and location of the growing operation from which the fruit/juice and/or wine is imported.
- iii. All records shall be provided within 14 days of request by County.
- iv. "Fruit grown on the premises," as that phrase is used above in c.3, may include fruit grown on a separate property or properties under the same ownership or lease as the Small Winery, provided all of the following criteria are met:
  - a) "Separate property" or "properties" shall mean parcels located within the County that are not contiguous to one another, are under the same ownership or lease as the Small Winery, and are part of the same Small Winery operation;
  - b) All properties shall be clearly delineated and included as part of the Small Winery Administrative Permit and shall be subject to all conditions of approval;
  - c) Only one of the parcels shall have the wine production facilities, tasting area and/or event areas. That parcel shall be a minimum of 4 acres in size;

- d) On parcels smaller than 8 acres in size, at least 50% of the "fruit grown on the premises" shall be grown on the parcel which contains the wine production facilities and tasting area. On parcels 8 acres or larger in size, at least 25% of the "fruit grown on the premises shall be grown on the parcel which contains the wine production facilities and tasting area;
  - e) Events of any kind are permitted only on the parcel which contains the production facility, tasting area, and approved event areas. No events shall be permitted on any of the other properties included as part of the Small Winery.
- 4. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes. The sale and consumption of pre-packaged food is allowed on the premises. Refrigeration shall be approvedpermitted by the County of San Diego Department of Environmental Health (DEH). Catered food service is allowed by a DEH-permitted caterer, but no food preparation is allowed at a Small Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Small Winery premises.
  - i. One mobile food facility may be allowed on the Small Winery premises to serve the patrons during the approved hours of operation;
  - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
  - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
- 5. Events, including but not limited to weddings and parties, may be allowed as specified in the Administrative Permit upon the making of the findings in Section 6910.c.6. Events shall comply with the requirements of Section 21.201 et seq. of the County Code.

Pursuant to Section 6106 of the Zoning Ordinance, Community Events as defined in and as limited by Chapter 2 of Division 1 of Title 2 of the San Diego County Code (sections 21.201 – 21.208) are allowed and subject to all applicable licenses required by the Sheriff pursuant to Chapter 1 of Division 1 of Title 2 of the San Diego County Code (sections 21.101 – 21.117).
- 6. An Administrative Permit for a Small Winery is required and may be approved in accordance with the Administrative Permit Procedure commencing at Section 7050 if it is found:
  - i. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - a) Harmony in scale, bulk, coverage and density.
    - b) The availability of public facilities, services and utilities.

- c) The harmful effect, if any, upon desirable neighborhood character.
  - d) The generation of traffic and the capacity and physical character of surrounding streets.
  - e) The suitability of the site for the type and intensity of use or development which is proposed.
  - f) Any other relevant impact of the proposed use.
- ii. That the impacts, as described in paragraph "i" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - iii. That the requirements of the California Environmental Quality Act have been complied with.
  - iv. Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.
7. A Small Winery shall demonstrate compliance with the ~~emergency travel times~~ Travel Time Standards from the Closest Fire Station, specified in the Safety Element, Table S-1.
8. ~~Notice shall be provided pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.~~
5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?
- |                                     |                          |
|-------------------------------------|--------------------------|
| YES                                 | NO                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |

On August 4, 2010, the Board of Supervisors approved Zoning Ordinance Amendments to establish a Tiered Winery Ordinance. A primary component of the ordinance was the creation of a Boutique Winery tier, which allowed for tasting rooms in conjunction with ongoing agricultural vineyard operations.

Since its adoption, a number of issues have arisen that affect the adequate implementation of the ordinance. PDS has prepared draft amendments to the Tiered Winery Ordinance in an effort to clarify the intent of the ordinance and to resolve discrepancies with existing ordinance language. See the proposed amendments to the existing Tiered Winery Ordinance in Section 4 above.

**SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

Amendment #1 to Tiered Winery Ordinance - 10 -  
 POD 14-005; ER-08-00-004A;

January 13, 2016

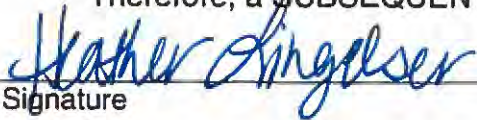
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| <input checked="" type="checkbox"/> NONE          |                                                           |                                                             |
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology & Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Haz Materials          | <input type="checkbox"/> Hydrology & Water Quality          |
| <input type="checkbox"/> Land Use & Planning      | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population & Housing     | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities & Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |



**DETERMINATION:**

On the basis of this analysis, Planning & Development Services has determined that:

- ☒ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate upon completion of an ADDENDUM.
- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with a EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

  
Signature

January 13, 2016  
Date

Heather Lingelser  
Printed Name

Project Manager  
Title



### INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
  - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

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CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

### ENVIRONMENTAL REVIEW UPDATE CHECKLIST

**I. AESTHETICS** – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES  
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NO  
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No. Potential aesthetic impacts were an environmental effect that was found not to be significant by the Environmental Initial Study prepared for the previous amendment to the Tiered Winery Ordinance.

Nothing in the currently proposed amendment would change the potential for impacts to aesthetics because the amendments would promote production of wine from fruit grown in San Diego County; require that records be maintained detailing compliance with the requirements for local-grown fruit and limitations on the importation of fruit, juice, and wine; limit commercial activities to those winery-related activities expressly allowed by the ordinance and state that those activities not expressly allowed are prohibited; require that structures comply with the applicable commercial building code and the Americans with Disabilities Act; define tasting/retail sales areas; apply the California Retail Food Code; define events; require compliance with the Community Events Permit process pursuant to Section 21.202 of the San Diego County Code; clarify the regulations regarding food preparation and service, including clarification regarding the use of a mobile food facility (food truck); replace legal sunset as time of closure with 6:00 p.m. from November 1 through March 1; clarify parking requirements; require compliance with California Building Code Chapter 11B for disabled parking and access; clarify that amplified sound is only prohibited outdoors; and increase the maximum allowed capacity of vehicles allowed to serve a Boutique Winery from 12 to 15.

None of the proposed changes in regulation would translate to physical changes to the environment that could possibly result in an adverse effect to aesthetics based on the County of San Diego *Guidelines Determining Significance and Report Format and Content Requirements for*

*Visual Resources* (July 30, 2007). The Environmental Initial Study for the previously certified EIR found that aesthetics would be an environmental effect found not to be significant under the original Tiered Wineries Ordinance. This conclusion would remain unchanged because the proposed amendment simply provides greater specificity in defining, interpreting, and clarifying the existing regulation of Wholesale Limited, Boutique, and Small Wineries, and does not change the regulation in a way that would modify the number or size of structures that could be constructed under the ordinance. As a result, the amendment would not result in increased development that could impact scenic resources or views beyond what was considered in the previously certified Final EIR.

As was noted in the previously certified Final EIR, the project area spans a large area in the eastern portion of the unincorporated areas of the County of San Diego and includes lands zoned for agriculture which are mostly undeveloped. The areas that have been developed have been predominantly developed in a rural fashion, with large lot sizes, agricultural or related uses, and have limited infrastructure and service availability. The Final EIR identified that a significant impact would occur if the proposed project would cause a substantial effect on a scenic vista, substantially damages scenic resources, substantially degrades the existing visual character or quality of the site, or creates a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Future wineries built pursuant to the currently proposed amendment to the Tiered Winery Ordinance may potentially be visible from a designated scenic vista, but to no greater extent than what could occur under the existing ordinance, as disclosed in the Final EIR. Structures associated with the Wholesale Limited and Boutique Winery would be subject to the size, height, and setback limitations applicable to all other properties located in the A70 and A72 zones; the impact would be no greater than for any other accessory structure customarily found in agricultural zones. None of the proposed amendments to the Zoning Ordinance would change these conclusions because there would be no measurable change to the potential for the development of winery structures that would be triggered by the proposed amendments.

Furthermore, the previously certified Final EIR found that if a future proposed Wholesale Limited or Boutique Winery facility involved substantial landform modification/grading that would have an adverse visual impact on a scenic vista, a discretionary Grading Permit would be required and would require further environmental review. The previously certified Final EIR also found that wineries developed under the ordinance would be expected to be compatible with the existing visual environments in terms of visual character and quality because the structures associated with the Wholesale Limited and Boutique Winery would be subject to the size, height, and setback limitations applicable to all other properties located in the A70 and A72 Zones, and the impact would be no greater than for any other accessory structure customarily found in agricultural zones. The winery must also include a vineyard, which would make the facility more compatible with the visual environment found in agricultural areas. Additionally, Wholesale Limited and Boutique Wineries are agricultural uses and would be limited in size and in the level of activity so as to be compatible in scale and character with other uses allowed in the A70 and A72 zones. The proposed amendments would not alter these findings because future wineries involving substantial landform modification under the proposed amendments would be required to obtain a discretionary grading permit that would be subject to environmental review.



With regards to light and glare; the proposed amendment would not increase the potential for light or glare over what was analyzed in the previously certified Final EIR. The proposed amendment would replace legal sunset as time of closure with 6:00 p.m. from November 1 through March 1 for the tasting/retail sales areas at Boutique Wineries. This change would increase operations by 14 minutes (on March 1) up to one hour and 13 minutes on the shortest day of the year. It is likely that winery properties have existing outdoor lighting for use by the property owners. Since the extended hours would only be applicable for four months of the year, it would not result in a new significant impact. Future development under these amendments would be required to comply with existing lighting regulations identified in the Final EIR. As discussed in the previously certified Final EIR, outdoor lighting would be required to meet the provisions of the County of San Diego Zoning Ordinance (Section 6322-6326) and the Light Pollution Code (Section 59.101-59.115) that were established to minimize the impact of new sources light pollution on nighttime views. For this reason, the proposed amendment to the Zoning Ordinance would not increase the severity of light or glare over what was analyzed in the previously certified Final EIR.

Because the currently proposed amendment to the Tiered Winery Ordinance would not cause any new environmental impacts associated with aesthetic resources and would not increase the severity of any previously identified impacts, no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects are required. No changes regarding aesthetics are required to be addressed in the Addendum to the previously certified Final EIR.

**II. AGRICULTURE AND FORESTRY RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing zoning for agricultural use or Williamson Act contract, or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

YES

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NO

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No. Potential impacts to agriculture resources were found to be not significant as part of the EIR process for the previous amendment to the Tiered Winery Ordinance. Since one of the objectives of the ordinance is to encourage and facilitate the growth of the wine industry in the County, it was anticipated that any conversion of agricultural lands would be from one crop type to another (based on market conditions) rather than to non-agricultural uses.

The expansion of vineyards was determined to be consistent with the A70/A72 agricultural zoning designations and is an agricultural use that would be consistent with Williamson Act Contract lands within the project area. Because the ordinance involves only agricultural activities within agriculturally zoned lands (the A70 and A72 Zones), it was determined by the EIR to have no impact relative to agricultural resources.

Nothing in the currently proposed amendment would change the potential for impacts to agriculture because the amendments would promote production of wine from fruit grown in San Diego County; require that records be maintained detailing compliance with the requirements for local-grown fruit and limitations on the importation of fruit, juice, and wine; limit commercial activities to those winery-related activities expressly allowed by the ordinance and state that those activities not expressly allowed are prohibited; require that structures comply with the applicable commercial building code and the Americans with Disabilities Act; define tasting/retail sales areas; apply the California Retail Food Code; define events; require compliance with the Community Events Permit process pursuant to Section 21.202 of the San Diego County Code; clarify the regulations regarding food preparation and service, including clarification regarding the use of a mobile food facility (food truck); replace legal sunset as time of closure with 6:00 p.m. from November 1 through March 1; clarify parking requirements; require compliance with California Building Code Chapter 11B for disabled parking and access; clarify that amplified sound is only prohibited outdoors; and increase the maximum allowed capacity of vehicles allowed to serve a Boutique Winery from 12 to 15. The clarification on the limitations on the importation of grapes, juice, and wine from outside San Diego County that are found within the proposed amendment would promote agriculture in San Diego County through the requirement to utilize a percentage of grapes, juice, and wine grown and produced in San Diego County. As the amendments would promote agriculture and would not increase the allowable number or footprint of structures, the project would not create any new impact to agriculture beyond what was addressed in the previously certified Final EIR.

Subsequent to the certification of the Final EIR for the previous amendment, the CEQA Guidelines were amended to require that the potential environmental effects of forestry resources be addressed in CEQA documents. The County of San Diego does not contain any forestry resources as defined by the Guidelines. The project will result in textual revisions to the Tiered Winery Ordinance, and will not result in an increase in intensity or density of wineries beyond that already anticipated under the current ordinance. Therefore, no new environmental impacts associated with forestry resources would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required.

The discussion of the lack of forestry resources within San Diego County and the lack of potential significant effects relating to changes in zoning for forest lands, loss of forest lands, or conversion of forest lands to non-forest use are included in the Addendum to the previously certified Final EIR.

**III. AIR QUALITY** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES  
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NO  
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No. Both project-level and cumulative-level impacts to air quality were determined to be significant and unmitigated in the EIR prepared for the previous amendment of the Tiered Winery Ordinance. This was because future development of an unknown number of new or expanded winery operations (Wholesale Limited or Boutique) at unknown locations could impact air quality. And by-right uses would not be subject to discretionary approval, and thus, no additional environmental review would be conducted and there would be no enforcement mechanism to guarantee there would be no increase in emissions.

Impacts of specific future winery projects could not be determined nor could appropriate mitigation measures be identified or enforced. Therefore, a Statement of Overriding Considerations was adopted. Typical mitigation measures for future projects could include requirements to avoid increases in emissions from construction and operation, such as wetting disturbed soil during grading for dust control, and limiting idling of diesel-fueled construction equipment to 5 minutes or less.

The proposed amendment to the Tiered Winery Ordinance would not alter these findings. The proposed changes that could be associated with potential air quality impacts are the allowance for Boutique Wineries to have up to 50 percent of their wine production from grapes grown or sourced wine produced by other San Diego County wineries, the allowance for Small Wineries to have up to 25 percent of their wine production from grapes grown or wine produced by other San Diego County wineries and the allowance to have up to 50 percent of their production consist of sourced grapes or wine from outside of San Diego County, the increase in the allowed capacity of passenger vehicles from 12 passengers to 15 passengers, and the occasional non-profit events held at the Boutique Wineries. However, these changes largely provide clarification to the existing ordinance. The increase in allowed capacity of passenger vehicles from 12 passengers to 15 passengers is not expected to increase any significant effects because the previously certified Final EIR already considered the impact of allowing larger passenger vehicles. Passenger vehicles rated for 12 passengers have nearly identical emissions as those rated for 15 passengers, and use of the slightly larger vehicles could reduce the total number of vehicle miles traveled for winery visits. Other ordinance changes clarify limitations on the origin, importation, and sale of grapes. Allowance for occasional non-profit events would be consistent with existing zoning regulations that currently allow special events to occur on similar zoned properties by-right throughout the County and therefore would not be expected to change the number of vehicle trips and associated emissions since by-right special events already exist through-out the County. In light of the fact that there would be little measurable change to potential impacts to air quality, these impacts would remain significant and unmitigable. Therefore, no new environmental impacts associated with air quality would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding air quality are required to be addressed in the Addendum to the previously certified Final EIR. Greenhouse gases (GHG) are addressed in Section VII of this document.

**IV. BIOLOGICAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local

or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES

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NO

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No. Both project-level and cumulative-level impacts to biological resources were determined to be significant and unmitigated in the EIR prepared for the previous amendment of the Tiered Winery Ordinance. Impacts of specific future winery projects could not be determined nor could appropriate mitigation measures be identified or enforced. This conclusion was specific to candidate, sensitive, and special status species, riparian habitat/sensitive natural communities, wetlands, and wildlife movement. Because the impacts to biological resources were found to be significant and unmitigated, a Statement of Overriding Considerations was adopted.

As discussed in the previously certified Final EIR, winery projects that require a discretionary permit, such as a grading permit, would trigger environmental review. For these projects, typical mitigation measures could include avoidance, preservation, or replacement of sensitive resources, habitats, species, or natural communities. Where a proposed project has the potential to conflict with wildlife movement, local ordinances, or a habitat conservation plan/natural community conservation plan/multiple species conservation program, mitigation such as open space easements, buffers, and adjacency guidelines (among others) may be used to mitigate impacts.

At the same time, the previously certified Final EIR also recognized there could be future by-right projects for which related discretionary permits are required, but for which mitigation would not be feasible, or for which no related discretionary permit is required at all (e.g., where grading is less than 200 cubic yards, but which would impact native or fallow land). For such by-right projects, CEQA review would not be required, and appropriate mitigation would not be enforced.

The currently proposed amendment to the Tiered Winery Ordinance would not alter these findings because the amendments largely provide clarification to the ordinance language and do not change the ordinance in a way that would increase the possibility for physical effects on the environment. For example, the ordinance changes would not increase the number of buildings or square footage of allowed structures. More specifically, the amendments promote production of wine from fruit grown in San Diego County; require that records be maintained detailing compliance with the requirements for local-grown fruit and limitations on the importation of fruit, juice, and wine; limit commercial activities to those winery-related activities expressly allowed by the ordinance and state that those activities not expressly allowed are prohibited; require that structures comply with the applicable commercial building code and the Americans with Disabilities Act; define tasting/retail sales areas; apply the California Retail Food Code; define events; require compliance with the Community Events Permit process pursuant to Section 21.202 of the San Diego County Code; clarify the regulations regarding food preparation and service, including clarification regarding the use of a mobile food facility (food truck); replace legal sunset as time of



closure with 6:00 p.m. from November 1 through March 1; clarify parking requirements; require compliance with California Building Code Chapter 11B for disabled parking and access; clarify that amplified sound is only prohibited outdoors; and increase the maximum allowed capacity of vehicles allowed to serve a Boutique Winery from 12 to 15. As these changes clarify the intent of the existing ordinance that was evaluated in the previously certified Final EIR or provide minor revisions that would not change the potential for biological resource impacts, new or more severe significant effects would not occur.

Therefore, no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding biological resources are required to be addressed in the Addendum to the previously certified Final EIR.

**V. CULTURAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES

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NO

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No. Both project-level and cumulative-level impacts to cultural resources were determined to be significant and unmitigated in the EIR prepared for the previous amendment of the Tiered Winery Ordinance. Impacts of specific future winery projects could not be determined nor could appropriate mitigation measures be identified or enforced. Therefore, a Statement of Overriding Considerations was adopted.

As discussed in the previously certified Final EIR, winery projects that require a discretionary permit, such as a grading permit, would trigger environmental review. For these projects, cultural resources mitigation could include: avoidance; preservation; replacement of sensitive archaeological and historical resources or human remains; project relocation/redesign; capping; data recovery; and measures to control erosion and increased public use.

At the same time, the previously certified Final EIR also recognized there could be future by-right projects for which related discretionary permits are required, but for which mitigation would not be feasible, or for which no related discretionary permit is required at all (e.g., where grading is less than 200 cubic yards, but which would impact native or fallow land). For such by-right projects, CEQA review would not be required, and appropriate mitigation would not occur.

The currently proposed amendment would not alter these findings because the amendments largely provide clarification to the ordinance language and the amendments would not result in any measurable changes to anticipated grading or development of winery facilities and vineyards. The proposed changes allow for Boutique Wineries to have up to 50 percent of their wine production from grapes grown or sourced wine produced by other San Diego County wineries, the allowance for Small Wineries to have up to 25 percent of their wine production from grapes grown or wine



produced by other San Diego County wineries and the allowance to have up to 50 percent of their production consist of sourced grapes or wine from outside of San Diego County, the increase in the allowed capacity of passenger vehicles from 12 passengers to 15 passengers, and the occasional non-profit events held at the Boutique Wineries. Changes in the number of passengers per vehicle and the ability to hold occasional non-profit events at Boutique Wineries would have no impact on cultural resources as they would not involve any increase in ground disturbing activities. Therefore, no new environmental impacts associated with cultural resources would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding cultural resources are required to be addressed in the Addendum to the previously certified Final EIR.

**VI. GEOLOGY AND SOILS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES

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NO

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No. Potential impacts to the project that would be caused by geology and soils were an environmental effect that was found not to be significant by the Environmental Initial Study prepared for the previous amendment to the Tiered Winery Ordinance. While San Diego County is within a seismically active area and there are numerous other geologic hazards, structures built pursuant to the ordinance would be required to comply with the County of San Diego Building Code requirements which take into account these geologic hazards. Therefore, construction of structures in conformance with the County of San Diego Building Code would not create substantial risks to life or property.

Nothing in the currently proposed amendment would change the potential for impacts relating to geology and soils because the textual revisions would clarify and provide additional detail regarding the existing regulations which would result in little to no measurable physical changes to the environment. The type and amount of development associated with wineries in San Diego County would not be expected to change based on the proposed amendment. The addition of the requirement that disabled access parking stalls, access aisles, and accessible routes provided for compliance with California Building Code chapter 11B be stable, firm, and slip-resistant is referencing and clarifying the intent of an existing requirement. Therefore, the conclusion that geology and soils would be an environmental effect found not to be significant would remain unchanged, no new environmental impacts associated with geology and soils would occur, and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant

effects is required. No changes regarding geology and soils are required to be addressed in the Addendum to the previously certified Final EIR.

**VII. GREENHOUSE GAS EMISSIONS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects related to environmental effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES  
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NO  
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No. Both project-level and cumulative-level impacts to air quality, including GHG emissions, were determined to be significant and unmitigated in the EIR prepared for the previous amendment of the Tiered Winery Ordinance. The CEQA Guidelines were amended (March 2010) to require that the potential environmental effects of greenhouse gas emissions be addressed in CEQA documents. This was four months prior to the certification of the Final EIR for the previous amendment to the Tiered Winery Ordinance and GHG emissions were fully covered in the air quality section of the previously certified Final EIR. ,

Applicable state regulations include those of CARB, California Code of Regulations Title 24, California Assembly Bill (AB) 1493, Executive Order S-3-05, AB 32, the California Global Warming Solutions Act of 2006 (California Health and Safety Code, Section 38500 et seq.), Executive Order S-01-07, Senate Bill (SB) 97, SB 375, SB 1368, SB 1078, and additional California climate change initiatives. New and updated state policies and regulations that are relevant to the proposed Project are summarized below.

#### AB 32 and Executive Order S-3-05

Executive Order S-3-05, signed by Governor Arnold Schwarzenegger in 2005, proclaims that California is vulnerable to the impacts of climate change. It declares that increased temperatures could reduce the Sierra Nevada snowpack, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. To combat those concerns, the executive order established total GHG emission targets for the state. Specifically, emissions are to be reduced to the 2000 level by 2010, the 1990 level by 2020, and to 80 percent below the 1990 level by 2050.

Legislation was passed in 2006 (AB 32, the California Global Warming Solutions Act of 2006) to limit GHG emissions to 1990 levels by 2020 with continued "reductions in emissions" beyond 2020, but no specific additional reductions were enumerated in the legislation. Further, SB 375 (sustainable community strategies/transportation) established goals for emissions from light duty truck and automobiles for 2020 and 2035.

A recent California Appellate Court decision, *Cleveland National Forest Foundation v. San Diego Association of Governments* (November 24, 2014) Cal.App.4th, further examined the executive order and whether it should be viewed as having the equivalent force of a legislative mandate for specific emissions reductions. The case has been accepted for review by the California Supreme Court, and therefore is not currently considered a precedent.



Executive Order B-30-15

On April 20, 2015 Governor Edmund G. Brown Jr. signed Executive Order B-30-15 to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. The Governor's executive order aligns California's GHG reduction targets with those of leading international governments such as the 28-nation European Union which adopted the same target in October 2014. California is on track to meet or exceed the current target of reducing GHG emissions to 1990 levels by 2020, as established in the California Global Warming Solutions Act of 2006 (AB 32). California's new emission reduction target of 40 percent below 1990 levels by 2030 will make it possible to reach the ultimate goal of reducing emissions 80 percent below 1990 levels by 2050 established under Executive Order B-30-15. This is in line with the scientifically established levels needed in the U.S. to limit global warming below 2 °C, the warming threshold at which there will likely be major climate disruptions such as super droughts and rising sea levels.

As discussed in the previously certified Final EIR, total GHG emissions that would be emitted as a result of operation of wineries under the Tiered Winery Ordinance would primarily be due to three sources: vehicular traffic on area roadways, emissions from the generation of electricity, and natural gas consumption/combustion associated with winery operations. The emissions from vehicular traffic on roadways can be calculated based on the traffic projections for only the community plan areas identified in the traffic analysis; however, the emissions from electricity and natural gas that could result from winery operations would depend on the size and type of equipment and facilities used and the production amount. Because the location and number of new or expanded wineries that could operate in A70/72 Zones is not known, the emissions from electricity use could not be quantified.

The GHG analysis in the previously certified Final EIR was based on the California Air Resources Board (CARB)-recommended interim threshold of 7,000 metric tons of CO<sub>2</sub> Eq. per year and concluded that GHG emissions from a single by-right winery would not exceed that threshold. However, the addition of as few as four additional Boutique Wineries could result in CO emissions that exceed the thresholds. Also, emissions related to electricity generation and natural gas consumption would also add to these emissions. The addition of four Boutique Wineries somewhere throughout the County as a result of the previous Ordinance Amendment was deemed likely. Therefore, the incremental increase of greenhouse gas emissions resulting from the project was determined to be cumulatively significant.

The proposed amendment is not expected to result in any quantifiable change to anticipated GHG impacts because the proposed changes that could be associated with potential GHG emissions are the allowance for Boutique Wineries to have up to 50 percent of their wine production from grapes grown or sourced wine produced by other San Diego County wineries, the allowance for Small Wineries to have up to 25 percent of their wine production from grapes grown or wine produced by other San Diego County wineries and the allowance to have up to 50 percent of their production consist of sourced grapes or wine from outside of San Diego County, the increase in the allowed capacity of passenger vehicles from 12 passengers to 15 passengers, and the occasional non-profit events held at the Boutique Wineries. However, these changes largely provide clarification to the existing ordinance language and would not be associated with an increase in the intensity of use or change in the type of use analyzed in the previously certified Final EIR. The increase in allowed capacity of passenger vehicles from 12 passengers to 15 passengers is not expected to increase emissions because the previously certified Final EIR

considered the impact of allowing larger passenger vehicles. This change could actually result in a slight reduction in GHG emissions as fewer trips would be required to transport a finite number of visitors. Other ordinance changes clarify limitations on the origin, importation, and sale of grapes but would not be expected to change the number of vehicle trips and associated emissions compared to the existing ordinance because they clarify existing regulation and require increased accountability for compliance with the regulations. The ordinance amendments would specify allowances for the importation and sale of wine from outside of San Diego County. As the original ordinance accounted for trips associated with importation of grapes from various locations, any trips associated with the transfer of wine, grapes and juice from one location to another would be associated with minimal GHG emissions that would have been largely accounted for in the trip generation estimates under the original ordinance. The same allowance of occasional non-profit events at Boutique Wineries could be associated with a slight increase in GHG emissions from additional vehicle trips. However the clarification proposed in the revised ordinance is simply indicating that a winery site could conduct special events identical to how other non-winery properties may currently hold special events. In conclusion, the effect of the amendments on GHG emissions would be minimal. Emissions would remain substantially consistent with the assumptions used in the previously certified Final EIR for considering potential GHG emissions and would remain applicable to anticipated emissions with the proposed amendments. Therefore, no new environmental impacts associated with GHG would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required.

**VIII. HAZARDS AND HAZARDOUS MATERIALS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES

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NO

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No. Potential impacts resulting from exposure to hazards or hazardous materials were found to be not significant as part of the EIR process for the previous amendment to the Tiered Winery Ordinance. There have been no changes in the potential impacts related to hazards since the previous EIR was adopted and there have been no changes in the circumstances under which



the project was undertaken related to hazards. Contamination and hazardous materials were an effect found not significant as part of the EIR process, while wildland fires were an effect found not to be significant in the Environmental Initial Study for the EIR.

The previously certified Final EIR addressed the transport, storage, use, and disposal of hazardous materials within the contamination and hazardous materials section. Wine is not classified as a hazardous material. Fertilizers and pesticides, including insecticides, herbicides, rodenticides, and fungicides, were the only hazardous materials noted to be associated with the cultivation of wine grapes in San Diego County. All use, storage, and disposal of pesticides is subject to specific applicable regulations, including requirements for application methods and rates and safe handling procedures, pursuant to legal requirements and manufacturer's specifications. The use, storage, and disposal of hazardous materials is subject to the County of San Diego Agriculture, Weights and Measures Pesticide Regulation program and/or Hazardous Materials Business Plan requirements if applicable, pursuant to the regulatory threshold quantities previously described. These requirements and regulatory programs ensure that impacts related to pesticide use or storage within the project area will remain less than significant. Therefore, no new environmental impacts associated with hazardous materials would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding contamination and hazardous materials are required to be addressed in the Addendum to the previously certified Final EIR.

As was stated in the previously certified Final EIR, future wineries may be located in the A70 and A72 Zones in many areas throughout the unincorporated areas of the County of San Diego that are in a variety of settings listed as follows: (1) for projects surrounded by urban or irrigated lands, the Ordinance Amendment would not expose people or structures to a significant risk of loss, injury, or death involving hazardous wildland fires because urban areas and agricultural fields with irrigation contain less vegetation that can act as fuel during a wildfire or less dense vegetation compared to other settings; (2) those existing and future wineries served by independent fire protection districts and also located adjacent to wildlands would be subject to the existing regulations relating to emergency access, water supply, and defensible space specified in the Consolidated Fire Code for the 17 Fire Protection Districts; (3) those existing and future wineries served by a County of San Diego service area fire protection district and also located adjacent to wildlands must comply with the regulations relating to emergency access, water supply, and defensible space specified in the County of San Diego Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3 and Appendix II-A of the Uniform Fire Code; and (4) those future wineries which may be located within State Responsibility Areas and served by the California Department of Forestry and Fire Protection (CalFire) must comply with the regulations relating to emergency access, water supply, and defensible space specified in Public Resources Code Sections 4290 and 4291.

Implementation of fire safety standards would occur during the building permit process. Therefore, through compliance with the above-listed regulations, codes and ordinances, it was concluded that Tiered Winery Ordinance would not expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires.

The currently proposed amendment would be subject to compliance with the same regulations discussed in the previously certified Final EIR. As a result, no new impacts would result from

the proposed amendments. Therefore, no new environmental impacts associated with wildland fire hazards would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding wildland fire hazards are required to be addressed in the Addendum to the previously certified Final EIR.

**IX. HYDROLOGY AND WATER QUALITY** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES

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NO

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No. The EIR found impacts to surface water quality to be significant and unmitigated. Impacts to groundwater quality, erosion and siltation, drainage, and flooding were found to be less than significant. Direct surface water impacts, both on-site and off-site, were found to be cumulatively considerable while cumulative impacts from erosion or siltation were found to be less than significant, as were impacts to groundwater.

As discussed in the previously certified Final EIR, winery projects that require a discretionary permit, such as a grading permit, would trigger environmental review. For these projects, typical mitigation measures could include requirements for project applicants to: demonstrate waste discharge requirements have been met in accordance with RWQCB NPDES permit conditions; implement project design measures such as construction storm water BMPs for erosion and sediment control, road improvement and paving, runoff catchment and filtration; and limit use of toxic compounds (fertilizers and pesticides) to minimize impacts.

The previously certified Final EIR also found that there would be future by-right projects for which related discretionary permits are required but for which mitigation would not be feasible, or for which no related discretionary permit is required at all (e.g., where grading is less than 200 cubic yards, but which would impact native or fallow land). For example, it may not be feasible to require a winery project needing a Grading Permit to fund public or private roadway improvements and paving due to cost based on existing road conditions, topography, and other site conditions such as adjacent slopes, stream crossings, and the length of required



improvements. For such by-right projects, CEQA review would not be required and appropriate mitigation would not be possible.

Because some hydrology and water quality impacts were considered significant and unmitigated, a Statement of Overriding Considerations was adopted. The currently proposed amendment would not increase the potential for additional or more severe impacts related to hydrology and water quality because the amendments clarify and provide additional detail regarding the existing regulations which would result in little to no physical changes to the environment. For example, the amendments would not affect the anticipated grading building footprints that would be associated with wineries. The importation of grapes, juice, and wine from outside and within San Diego County, as well as other minor changes to the regulation of wineries, such as the requirement for record keeping regarding the origin of grapes, juice, and wine, the limitation on commercial activities at wineries to those that are wine-related and expressly allowed by the amended ordinance, regulations regarding food preparation and service, including clarification regarding the use of a mobile food facility (food truck), hours of operation, parking, and maximum vehicle capacity would not result in a measurable increase or decrease in hydrology and water quality impacts because the changes are operational in nature and would not equate to new or more severe environmental impacts.

The previously certified Final EIR analyzed potential water supply impacts associated with proposed expanded or new wineries on lands not being irrigated or where groundwater supplies are limited. Although the analyses conducted within the previously certified Final EIR recognized that grape growing and agriculture use are by-right uses, due to the unknown quantity of expanded or new wineries and tasting rooms, it determined that impacts could not be adequately mitigated as a result of the by-right nature of the project. Consequently, the previously certified EIR concluded that water supply impacts were significant and unmitigated. The proposed amendments do not propose to increase production amounts and many of the proposed changes simply clarify existing provisions of the ordinance. Therefore, no new environmental impacts associated with hydrology or water quality would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding hydrology and water quality are required to be addressed in the Addendum to the previously certified Final EIR.

**X. LAND USE AND PLANNING** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES

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NO

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No. Potential land use and planning impacts were found to be not significant as part of the EIR process for the previous amendment to the Tiered Winery Ordinance. This conclusion was based on the fact that no uses would be developed that would divide an established community, the ordinance would be consistent with adopted plans and policies, and maintenance or expansion of wine grape acreage would be consistent with the existing agricultural designation and

zoning. Because land use impacts from ongoing or expanded winery operations at Boutique Wineries, including wine tasting and sales, were found to be not significant, and because the proposed changes to the Ordinance merely clarify the existing language, the currently proposed amendment would not result in significant land use impacts. Therefore, no new environmental impacts associated with land use would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding land use and planning are required to be addressed in the Addendum to the previously certified Final EIR.

**XI. MINERAL RESOURCES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES

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NO

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No. Potential impacts to mineral resources were found to be not significant during Initial Study for the EIR. Wine production at Wholesale Limited and Boutique Wineries would continue to be limited to 12,000 gallons per year, and wine production at Small Wineries would continue to be limited to 120,000 gallons per year under the currently proposed amendment, unchanged from the regulation under the existing ordinance. The previously certified Final EIR concluded that approximately 50 acres would be required in order to produce this amount of wine and estimated that based on the additional requirement that a percentage of grapes are grown on-site, wineries operating at this maximum production would require just over 12.5 acres of vineyards. Based on the scale of future wineries, the previously certified Final EIR concluded that the amendment would not result in the future inaccessibility for recovery of the on-site mineral resources. Because the currently proposed amendment would not result in a measurable change in the development footprint of winery facilities or the acreage of vineyards that would be expected to be planted, there would not be an associated loss in the availability of mineral resources. Therefore, no new environmental impacts associated with mineral resources would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding mineral resources are required to be addressed in the Addendum to the previously certified Final EIR.

**XII. NOISE** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport,



or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES

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NO

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No. The EIR concluded that because future development of an unknown number of new or expanded winery operations (Wholesale Limited or Boutique) at unknown locations could generate additional traffic on area roadways that would exceed the noise levels by more than 3 decibels, adoption of the proposed ordinance amendment could result in significant direct and cumulative noise impacts.

As discussed in the previously certified Final EIR, future projects that would be required to obtain a discretionary permit could feasibly mitigate for potential noise impacts because the environmental review process would require projects to demonstrate that there would be no increase in noise on area roadways. At the same time, there may also be future by-right projects for which related discretionary permits are required, but for which mitigation would not be feasible, or for which no related discretionary permit is required at all. For such by-right projects, CEQA review would not be required, and appropriate mitigation would not be possible. Therefore, noise impacts were determined to be significant and unmitigated because there would be no enforcement mechanism for existing noise regulations. A Statement of Overriding Considerations was adopted.

The current amendment clarifies the regulations regarding amplified sound. While the existing ordinance does not allow for amplified sound, the proposed amendment clarifies that amplified sound is only prohibited outdoors. Interior sound levels are not regulated for sound that is generated within the premises. This ordinance amendment clarifies the intent of the original ordinance and reflects the County's existing regulations regarding noise enforcement. As a result, this amendment would not create a new impact not already considered in the previously certified Final EIR.

The current amendment proposes a minor extension to the hours of operation for tasting areas at Boutique Wineries. The amendment would replace legal sunset as time of closure with 6:00 p.m. from November 1 through March 1. This change would increase operations by 14 minutes on March 1 and up to one hour and 13 minutes on the shortest day of the year. Since the extended hours would only be applicable for four months of the year, it would not result in a new significant impact. This change is not anticipated to create additional noise impacts since compliance with the County's noise regulations is required. Therefore, this amendment would not result in a new significant impact.

The previously certified Final EIR concluded that the expanded winery operations (Wholesale Limited or Boutique) at unknown locations could generate additional traffic on area roadways that would exceed the noise levels by more than 3 decibels and that the adoption of the proposed ordinance could result in significant direct and cumulative noise impacts. The proposed amendment would not change these findings because there would be no measureable increase in traffic that would translate into increased noise levels on area roadways. Any increased traffic from occasional non-profit events would be temporary and intermittent. Therefore, no new environmental impacts associated with noise would occur and no revisions to the previously certified Final EIR due to the involvement of significant new

environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding noise are required to be addressed in the Addendum to the previously certified Final EIR.

**XIII. POPULATION AND HOUSING** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES

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NO

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No. Potential impacts to population and housing were found to be not significant during Initial Study for the EIR. The previously certified Final EIR notes that planning for residential needs is done as part of the comprehensive planning process for the General Plan for the County of San Diego. The General Plan, and especially the Housing Element, together with individual community plans, provides goals, policies, and programs to accommodate housing needs throughout the County of San Diego. The project area involves a large portion of the unincorporated area of the County of San Diego which is zoned for agriculture. A range of uses on these lands include agricultural activities as well as residential, parks, and public facilities.

The previously certified Final EIR found that a significant impact to population and housing could occur if the ordinance would induce substantial population growth. The previously certified Final EIR concluded that substantial population growth would not be induced because physical or regulatory changes were not proposed that would remove a restriction to or encourage population growth in an area including, but limited to, the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family use; regulatory changes including General Plan amendments encouraging population growth, specific plan amendments, zone reclassifications, sewer or water annexations; or Local Agency Formation Commission annexation actions. The previously certified Final EIR also found that the ordinance would not displace a substantial number of housing or people that would require construction of replacement housing. While the currently proposed amendment continues to encourage agriculture in the form of wineries, it would not result in a measurable difference in the number or size of the wineries in the County of San Diego or the number of employees that would be employed. As a result, the proposed amendments would not be associated with population growth or displacement of housing. Therefore, no new environmental impacts associated with population and housing would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding population and housing are required to be addressed in the Addendum to the previously certified Final EIR.

**XIV. PUBLIC SERVICES** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities



or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES

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NO

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No. Potential impacts to public services were found to be not significant during Initial Study for the EIR. Public services include basic support systems necessary for a functioning community. Due to the large project area that spans the County of San Diego from the northern border with Orange County to the southern border with Mexico, there are multiple service providers for public services such as fire protection, schools, and parks and other public facilities such as libraries.

The previously certified Final EIR found that a significant impact would occur if the proposed amendment would result in substantial adverse physical impacts associated with the provision of new or physically altered facilities. The project involves an amendment to the County of San Diego's Zoning Ordinance as it relates to wineries. The previously certified Final EIR concluded that the growing of grapes in vineyards and the production and selling of wine that could result from new or expanded wineries would not result in a need for new or expanded facilities associated with public services such as fire protection, schools, and parks. No impacts were identified.

The currently proposed amendment to the Tiered Winery Ordinance would not result in significant impacts to public services because the textual revisions would clarify and provide additional detail regarding the existing regulations which would result in little to no physical changes to the environment. There would not be a measurable change in the number or size of the wineries that would be anticipated to result from the currently proposed amendment. Therefore, no new environmental impacts associated with public services would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding public services are required to be addressed in the Addendum to the previously certified Final EIR.

**XV. RECREATION** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES

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NO

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No. Potential impacts to recreation were found to be not significant during Initial Study for the EIR. The previously certified Final EIR stated that a significant impact would occur if the proposed amendment would increase the use of parks or other recreational facilities or requires the construction or expansion of recreational facilities. But because the Tiered Winery Ordinance

did not propose any residential use, including but not limited to a residential subdivision, mobile home park, or construction for a single-family residence that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity, the potential impacts were deemed to be not significant.

The currently proposed amendment to the Tiered Winery Ordinance consists of textual revisions to clarify and provide additional detail regarding the existing regulations, which would result in little to no physical changes to the environment. The amendments would not be associated with the construction of new or expanded recreational facilities or require the construction or expansion of recreational facilities. As a result, there could not be an adverse physical effect on the environment associated with the provision of recreational facilities. Therefore, no new environmental impacts associated with recreation would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding recreation are required to be addressed in the Addendum to the previously certified Final EIR.

**XVI. TRANSPORTATION/TRAFFIC** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES  
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NO  
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No. Both project-level and cumulative-level transportation/traffic impacts were determined to be significant and unmitigated in the previously certified Final EIR prepared for the previous amendment of the Tiered Winery Ordinance. The previously certified Final EIR concluded that the proposed ordinance amendment would result in the addition of new wineries, expansion of existing wineries, and additional tasting rooms at existing wineries. Significant near-term direct impacts were identified to community Circulation (Mobility) Element Roads with the addition of even one Boutique Winery in the communities of Fallbrook, Bonsall, Julian, and Ramona, and with the addition of more than one winery in the Jamul-Dulzura community. The conditions on State Route 67 (SR-67) were of particular concern since the Ramona area would be unable to accommodate additional wineries because of the existing low levels of service on this roadway. The Julian Community Plan Amendment was also identified as facing limitations on additional wineries because of the low level of service on SR-67 in the Ramona area.

The previously certified Final EIR concluded that it was infeasible and speculative to know which specific future wineries may result in impacts. Some future winery projects may be required to obtain a discretionary permit such as a Grading Permit, which would trigger CEQA



review of the specific future project. However, mitigation may not always be feasible for these projects, while other future projects may not even require a discretionary permit. Over the longer term, significant direct impacts would be reduced as improvements consistent with the Circulation Element are implemented, but would remain significant and unmitigated. Private roads where future wineries are located would also experience an increase in traffic that would be significant and unmitigated.

The previously certified Final EIR also concluded that the amendment would create significant cumulative traffic impacts and that the payment of Transportation Impact Fees (TIFs) would mitigate some, but not all, of those cumulative impacts. Therefore, those which cannot be mitigated through the TIF program would remain significant and unmitigated.

Requiring individual wineries to contribute TIF fees at the time of building permits or change in occupancy status toward the improvement of Circulation Element roadways, including SR-67, would also fully mitigate cumulative impacts. However, cumulative impacts to roads where the TIF program does not apply would remain significant and unmitigated. A Statement of Overriding Considerations was adopted to address the significant and unmitigated traffic impacts.

Because the currently proposed amendment would clarify the existing regulations and would not substantially change the existing regulations, future traffic volumes would be anticipated to experience little or no change and traffic impacts would remain significant and unmitigated at both a project and cumulative level. The ordinance amendments do not increase the capacity of wineries and would not result in a measurable increase in traffic. The amendments would now allow for increased opportunities for Boutique Wineries to source wine in addition to grapes within San Diego County. This change simply allows a change in the type of grape product being transported and may actually result in a decrease in traffic since bulk grapes may require more trips to transport when compared to transporting a comparable amount of already produced wine. Increasing grape and wine sourcing opportunities from outside the County for Small Wineries would not result in a significant new environmental effect since Small Wineries are currently required to obtain a discretionary Administrative Permit and any potential traffic impacts would be addressed as part of that discretionary action. The amendments propose a minor change to the hours of operation for Boutiques Wineries. Currently, a tasting/retail sales room may operate from 10 a.m. until legal sunset seven days a week. The revisions would allow a tasting/retail sales area to operate until 6:00 p.m. from November 1 through March 1. This would result in an additional 1 hour and 13 minutes of operations on the shortest day of the year. This change is not anticipated to create additional traffic impacts since the extended time is only applicable for four months of the year. It is not anticipated that new visitors would arrive to the winery sites during the extended time. It is anticipated that the visitors to the site would remain at the winery for a longer time. The previously certified EIR also considered that catered food service would be occurring in conjunction with Boutique Wineries. The amendments would now allow for one DEH licensed mobile food facility to be located on a site during normal hours of operation. The mobile food facility could not impact required parking for the site. The allowance for the mobile food facility would not result in additional traffic impacts since the mobile food facility would simply be replacing vehicle trips currently permitted in the ordinance by the catering use. In addition, mobile food facilities operations typically depend on higher patron volumes that are usually associated with festivals and large events to maintain profitability. Boutique winery patron sizes are smaller and distributed among their daily operating hours. Subsequently, the use of mobile food facilities at

boutique winery sites should be limited in occurrence and therefore will not cause additional significant traffic impacts. Any increased traffic from occasional non-profit events would be temporary and intermittent. Therefore, no new environmental impacts associated with transportation/traffic would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding transportation/traffic are required to be addressed in the Addendum to the previously certified Final EIR.

**XVII. UTILITIES AND SERVICE SYSTEMS** -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES

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NO

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No. Potential impacts to utilities and service systems were found to be not significant during Initial Study for the EIR. Utilities and services systems were defined as wastewater treatment, storm water drainage, landfill capacity and solid waste, vectors, and wildland fires. The previously certified Final EIR determined that there are a number of regulations already in place that would prevent the ordinance from resulting in significant impacts to utilities and service systems. Most new winery buildings would require grading permits and building permits, which would not be issued if adequate utilities and services were not available. The proposed amendment to the ordinance provides clarification of the existing regulations and would not change the anticipated demands for utilities and service systems. With the proposed amendments, future wineries would still be required to demonstrate adequate utilities and services. The proposed amendment does not change the limitations on the amount of wine that can be produced at a Wholesale, Boutique, or Small Winery, nor does it change the limitation on the size of the associated winery facilities. The allowance for the use of grapes, juice, and wine produced elsewhere in San Diego County clarifies the regulations around wine sales, a use that was anticipated in the original Tiered Winery Ordinance. Therefore, no new environmental impacts associated with utilities/service systems would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects is required. No changes regarding utilities and service systems are required to be addressed in the Addendum to the previously certified Final EIR.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**: Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?



*Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

*Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

*Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

YES

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NO

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No. Potential Mandatory Findings of Significance were identified by the Environmental Initial Study prepared for the previous amendment to the Tiered Winery Ordinance. Each of the topics raised was evaluated in the EIR. The proposed amendment would not result in any new potential environmental impacts since the previously certified Final EIR was certified because the textual revisions would clarify and provide additional detail regarding the existing regulations, which would result in little to no physical changes to the environment. There are no changes in the project, changes in circumstances under which the project is undertaken, or "new information of substantial importance" that would result in any of mandatory finding of significance listed above.

The previously certified Final EIR identified significant project-level and cumulative-level impacts to biological and cultural resources. Cumulatively considerable significant and unmitigated impacts were also identified for air quality, hydrology and water quality, noise, transportation/traffic, and water and groundwater supply. No new environmental impacts associated with mandatory findings of significance would occur and no revisions to the previously certified Final EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects are required. No changes regarding mandatory findings of significance are required to be addressed in the Addendum to the previously certified Final EIR.

#### Attachments

- County of San Diego Tiered Winery Zoning Ordinance Amendment Certified Final Environmental Impact Report (POD 08-012; LOG No. 08-00-004; SCH No. 2008101047)
- Addendum to the previously certified EIR

Amendment #1 to Tiered Winery Ordinance - 35 -  
POD 14-005; ER-08-00-004A;

**January 13, 2016**

**XVIII. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW  
UPDATE CHECKLIST FORM**

California Environmental Quality Act, CEQA Guidelines

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3,  
Section 15382.

California Public Resources Code, CPRC, Sections 40000-41956

County of San Diego Code of Regulatory Ordinances

County of San Diego Zoning Ordinance

County of San Diego Tiered Winery Zoning Ordinance Amendment Final Environmental Impact  
Report (POD 08-012; LOG No. 08-00-004; SCH No. 2008101047)



**Attachment D – Public Documentation**

**D-1 Comments Received during Public Review  
Oct-Nov 2015**

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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		Ramona Valley Vineyard Association, President	<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	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.	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.
14	Nov. 23, 2015	Jess Koehler, La Finquita Winery	1) Concerned with the space allowed for boutique wineries will not allow for even one year's full production and storage.	1) The limitations on the size of the winery structures by-right were specified within the Winery EIR and ensure consistency with land



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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>

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

			<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 <michaeljdwyer@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 agro-tourism 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*

**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



**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  
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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

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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.~~

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- 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

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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.

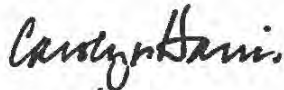
Therefore the following edit is suggested:

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



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 VP and General Counsel  
 760-788-0018  
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**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 Agro-tourism.

- 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 Recommendations-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 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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### **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 palletized 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, corks, 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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Office: 619-440-6161, Cell: 619-992-8989



201 South Magnolia Ave. El Cajon, CA 92020

Web: [www.eastcountychamber.org](http://www.eastcountychamber.org)





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 92101

TO NEW YORK NY 10001

JOSEPH FARACE GROUP PROGRAM  
 MANAGER, APD  
 PLANNING AND DEVELOPMENT SERVICES  
 COUNTY OF SAN DIEGO  
 5510 OVERLAND AVE, SUITE 110  
 SAN DIEGO, CA 92123  
 92123123535

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**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:

#### CHART HERE

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;

ii. 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 through March 1, 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

---

**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 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. 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 drink - 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-wineries 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 addons such a 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 20 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](mailto: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@sdcounty.gov.ca](mailto:cao_mail@sdcounty.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@sdcounty.gov.ca](mailto:cao_mail@sdcounty.gov.ca) [SanDiegoUnionTribune.com](http://SanDiegoUnionTribune.com)

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**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 boutique 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

January 8, 2016

POD 14-005

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



January 8, 2016

POD 14-005

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,

*for* *Kristle Mansoll, Secretary*  
JIM PIVA, Chair  
Ramona Community Planning Group

Attachment: Tools of the Winery Industry

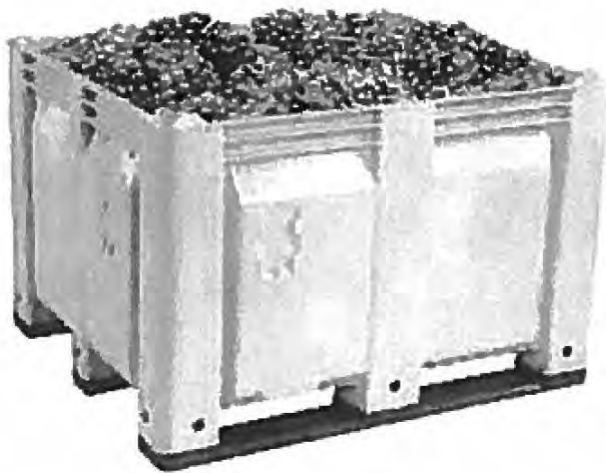
Copy: Joseph Farace, Planning and Development Services

## Section A.3

Items used seasonally or not full time.

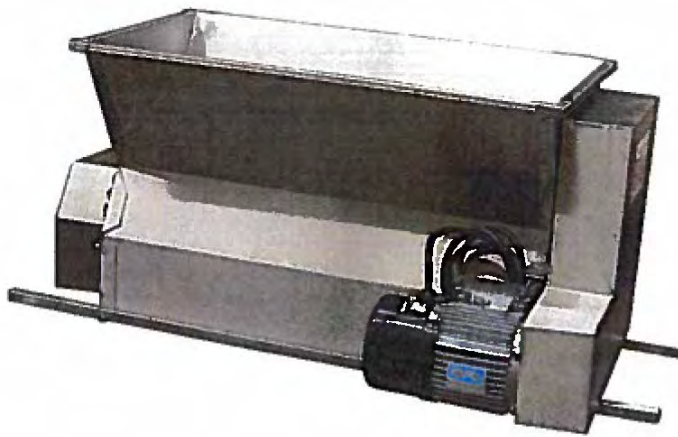
All of these items take up a considerable amount of room when not in use and it would be most helpful to be able to store them in an ag building until needed.

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.



## **D-2 Comments Received July 2015**

## Winery Ordinance Public Review Comment Summaries: July, 2015

#	Date Received	Author	Summary
1	July 1, 2015	Teri Kerns, Ramona Ranch Vineyard and Winery	<ul style="list-style-type: none"> <li>▪ Opposes revisions that eliminate the "by-right" allowances, prohibit events and advertising</li> <li>▪ Suggest revisions that commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited be removed</li> <li>▪ Suggest revisions that allowable storage building sizes be doubled</li> <li>▪ Suggest revisions that state no additional barns and agricultural storage be changed to wine storage and tasting in these agricultural storage buildings not be allowed without proper Federal Bond and ABC license</li> <li>▪ Suggests that the revisions allow boutique wineries by-right the ability to host no more than 24 events per year, not to exceed 100 guests without a permit</li> <li>▪ Suggests that the revisions allow caterers to operate within the constraints of their licenses</li> <li>▪ Suggests that the revisions allow music in compliance with the County's noise ordinance</li> <li>▪ Suggests that the revisions allow outdoor eating areas to be used by the public only during hours specified in ordinance</li> </ul>
2	July 1, 2015	Megan Escalona, Escalona Cellars	<ul style="list-style-type: none"> <li>▪ Opposes revisions that prohibits wine produced outside San Diego County from being sold, suggests that the revision be removed</li> <li>▪ Opposes revisions that prohibit events</li> <li>▪ Opposes revisions that prohibit advertisement</li> <li>▪ Suggests that specific terms (organized, activity, gathering, event) be defined more clearly</li> <li>▪ Suggested an alternative revision to the Events provision section</li> <li>▪ Suggests an alternative revision to the non-amplified music provision</li> </ul>
3	July 2, 2015	Stan Sisson, Julian Cider Works	<ul style="list-style-type: none"> <li>▪ Suggests that the production of honey be added to the allowable fermentable which would also allow the production of mead</li> </ul>
4	July 6, 2015	S. Elaine Lyttleton & Norman A. Case, Hatfield Creek Vineyards & Winery	<ul style="list-style-type: none"> <li>▪ Opposes revisions that prohibit commercial activities</li> <li>▪ Opposes revisions that prohibit wine production, inventory and storage in agricultural or accessory buildings</li> <li>▪ Suggests that the revisions on permitted caterers be changed to allowed once a month or with prior notice and approval</li> <li>▪ Opposes revisions on outdoor amplified sound</li> </ul>

## Winery Ordinance Public Review Comment Summaries: July, 2015

			<ul style="list-style-type: none"> <li>▪ Suggests that the revision on outdoor eating areas be tied to the number of parking spaces</li> <li>▪ Suggests revisions to supply more clarification on what an "allowed event" is</li> <li>▪ Questions how the revisions will effect winery's partnership with the Ramona H.E.A.R.T. Mural Project</li> </ul>
5	July 6, 2015	Oliver Smith, Valley Center Community Planning Group	<ul style="list-style-type: none"> <li>▪ Opposes any restrictions beyond what are imposed on those wineries inside city limits because it would appear to penalize an owner in the unincorporated areas</li> <li>▪ Suggests that the County Counsel or the County to assist winery owners with "private road agreements"</li> <li>▪ Supports the acoustical sound volume limit</li> <li>▪ Opposes the revision on prohibiting advertising.</li> <li>▪ Suggests that food and catering be allowed as long as they carry the appropriate permits</li> </ul>
6	July13, 2015	Matthew Miller	<ul style="list-style-type: none"> <li>▪ Suggests that the wineries should focus on producing wine instead of serving food which allows for other local eateries to create long-term opportunities and stability</li> <li>▪ Suggests that wineries should provide picnic tables and allow customers to bring foods from local grocers or eateries to enjoy</li> </ul>
7	July 16, 2015	Andy Harris, Chuparosa Vineyard	<ul style="list-style-type: none"> <li>▪ Opposes the revision on onsite production/ tasting room sales and the minimum acreage limitation</li> <li>▪ Opposes the revision on food preparation</li> <li>▪ Opposes the revision on events, and suggests this section be rewritten to state what is permitted and what is forbidden</li> <li>▪ Opposes the revision on tasting room building requirements and area limitations including the requirements of the ADA</li> </ul>
8	July 20, 2015	Carolyn Harris, Ramona Valley Winery Association	<ul style="list-style-type: none"> <li>▪ Provides rebuttal to letter published in Ramona Sentinel</li> </ul>
9	July 28, 2015	Richard McClellan, Highland Hills Wineryc	<ul style="list-style-type: none"> <li>▪ Opposes the revision on increasing the seating capacity of a tour van vehicle</li> <li>▪ Suggests less obstacles or restrictions for the proposed changes</li> </ul>
10	March 16, 2015	Todd Palmer	<ul style="list-style-type: none"> <li>▪ Suggests that the ordinance allow wine to be made from honey</li> </ul>

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

July 1, 2015

Dear Mr. Farace,

Thank you for your support of San Diego's growing wine-grape industry. I appreciate the opportunity to provide input from an operational and small business owner's perspective on the proposed changes to the County's Winery Ordinance, #6910. In 2004, we moved to Ramona, joining the Ramona Valley Vineyard Association (RVVA) in February of 2005. Micole now serves as president 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.

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."

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. 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 can't pick up and move a vineyard which costs around \$30,000 per acre to install. This roots us in our communities, making us an integral part. Micole and I chose to start a winery in Ramona because we love the community; the open spaces, trails, horses and people invested in our shared future within the community. The current ordinance encourages us on this path. Eliminating the 'by-right' allowances, prohibiting events and advertising while restricting our operations removes the incentive to invest thousands of dollars in our rural communities and will not draw tourists.



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; often referred to as the ‘ripple effect.’ I am asking 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 with ten acres, we are allowed no more than 3200 square feet; yet we 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, we would need a 5000 square foot facility, plus additional room for shipping, receiving, laboratory, maintenance, circulation, and offices; a reasonable estimate is double these numbers.

Page 4 – #4 (continued) No additional barns, agricultural storage...shall be utilized. Where are we 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 Agrotourism. 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. My 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 food on-site which may be in conflict with their license and appears to prohibit food trucks; a common practice at our local breweries and urban wineries, as well as in other Counties, for example, Amador County. Serving food to wine drinkers is a good practice and should be encouraged. My recommendation is that caterers be allowed to operate within the constraints of their own specific licenses.

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

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.**

The proposed changes to the San Diego County Winery Ordinance are not Agritourism, Small Business, nor Consumer friendly; I ask that you read this reports I cite, look at the challenges facing our start-up industry and let us know if you want us to succeed or stagnate? Should the changes proceed as written, many fear for the death of our budding wineries, eliminating our potential growth, impact and long-term commitment to our communities. We encourage you to move forward cautiously and 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.

Sincerely,

*Teri & Micole*

Teri Kerns, 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*

**Lingelser, Heather**

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**From:** Megan Escalona <meganescalona@gmail.com>  
**Sent:** Thursday, July 02, 2015 8:35 AM  
**To:** harrison1515@yahoo.com; Lingelser, Heather  
**Subject:** Tiered Winery Ordinance changes - Suggested Revisions  
**Attachments:** Winery Ordinance Revisions.docx

**Categories:** Important

Thank you very much for reviewing these proposed revisions.

Sincerely,

Escalona Cellars  
Ramona, CA

July 1, 2015

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

Dear Mr. Farace,

Thank you for your support of San Diego's growing wine-grape industry. I appreciate the opportunity to provide input from an operational and small business owner's perspective on the proposed changes to the County's Winery Ordinance, #6910. Our comments and proposed changes are as follows:

**Subsection b.3** prohibits wine produced outside San Diego County from being sold on Boutique Vineyard premises.

**This is an unconstitutional constraint on commerce, which violates the Dormant Commerce Clause of the United States Constitution Art. I, Sec. 8.** In particular, the County Ordinance unconstitutionally burdens interstate commerce and discriminates against out-of-state, or even out-of-county, businesses. (See *Wickard v. Filburn* 317 U.S. 111 (1942).) It is an unacceptable constraint on Boutique Vineyards in the area of San Diego County that they only be allowed to do business with other San Diego County wineries. Should such business otherwise comply with the laws of San Diego County, the State of California, and the United States, there is certainly no justification on which the County can rest to levy such constraints. Indeed, even if there were a legitimate interest in preventing the sale of outsourced wine bottles on Vineyards in the County, the County has exceeded its constitutional requirement that any such restraints be narrowly tailored, by having a complete prohibition on such sales.

**Thus, this clause of the phrasing must be removed.**

**Subsection b.6** Reads: "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) and also includes any activities or gatherings which may be advertised or promoted."

Taken literally, this means the following: "An event is defined as the use of the site for organized activities or gatherings and also includes any activities or gatherings which may be advertised or promoted."

- 1) This definition literally is non-sense.** An event cannot be defined as the use of a site for organized activities, gatherings, or activities or gatherings which may be advertised or promoted. That does not make sense.
  - a. **The Statement is Redundant.** "Organized activities or gatherings" covers

all instances in which organized activities or gatherings may be advertised or promoted.

- 2) **“Advertised or promoted” Has Improper Intent.** The purpose of these changes is not meant to literally prevent Boutique Vineyard businesses from being able to advertise or promote any activities on their vineyard sites. The consequence of such a restriction would prevent vineyards from being able to even utter the existence of any organized activities or gatherings. This is both an unacceptable consequence itself, but would also incentivize “unorganized” activities on vineyard grounds, which is not better than organized activities that otherwise, occur within the purview of these regulations.
- 3) **The definition is indefinite and inadequate.**
  - a. Additional Terms Defined.
    - i. “Organized” is defined by Merriam Webster’s Dictionary as: having a formal organization to coordinate and carry out activities; affiliated by membership in an organization (as a union).
    - ii. “Activity” is defined by Merriam Webster’s Dictionary as: the state of being active, behavior or actions of a particular kind; something that is done as work or for a particular purpose; something that is done for pleasure and that usually involves a group of people.
    - iii. “Gathering” is defined by Merriam Webster’s Dictionary as: an occasion when people come together as a group; the act or process of gathering something.
  - b. Under this interpretation, or any reasonable alternative definitions, “organized activities” covers every possible act that a Boutique Winery could engage. Because any organized activity would cover any employee, managerial, or other Winery personnel actions.
  - c. In fact, the definition concedes that wine production, wine sales, wine tasting, agricultural instruction, and education tours are all events given the need to exempt those activities.
  - d. Thus, the definition of “event” literally prohibits any activity on a site other than wine production, wine sales, wine tasting, agricultural instruction, and education tours.
    - i. Every single vineyard is violating this rule all the time and in multiple ways because virtually any activity we perform on our properties would meet the common sense definition of “organized activity”. E.g., landscape maintenance performed by more than one person.
    - ii. Without additional definitions for “wine production,” “wine sales,” “wine tasting,” “agricultural instruction,” and “education tours,” the definition of “event” becomes meaningless because it shifts the focus from whether something qualifies as an event to whether something qualifies as one of these things.
    - iii. Two consequences: (1) Boutique Wineries may be chilled into not acting for fear their “event” fails to meet these non-existent definitions; and (2) Wineries may again attempt to bypass the

prohibition by finessing their "event" as "wine production," "wine sales," "wine tasting," "agricultural instruction," or an "education tour." Or, alternatively, Boutique Wineries will dodge the exclusion by opening their events to the public by playing host to a non-profit organization. The results of which are likelier to be dangerous given their potential for population draw.

**4) This Clause Is a Better Alternative.**

- a. Events, except as provided in this section, are prohibited. An "Event," for the purposes of this Section, is defined as the use of a tasting/retail sales area for hosting organized commercial activities or gatherings. An Event is not prohibited if it is activity undertaken in the ordinary course of business, such as wine production, wine sales, wine tasting, agricultural instruction, or an education tour. An Event is not prohibited if it is a privately promoted gathering that otherwise complies with San Diego County Ordinances and California State Law.
- b. "Hosting organized commercial activities or gatherings" is to mean happenings from which the Boutique Winery commercially benefits from the use of their tasting/retail sales area for enterprise neither tangential to nor otherwise tied to wine production.
  - i. This language satisfies the intent of the County to prevent Boutique Vineyards from throwing large-scale gatherings that function beyond their business enterprise and exploit their wine supply.
- c. Excluding "Weddings and Parties" is a violation of Boutique Vineyard property rights. It is an unreasonable consequence of the new drafting that Boutique Vineyards will no longer be able to host weddings. In particular, given the nature of most Boutique Vineyards, the use of the site would suit the hosting of a private wedding and private party. It is reasonable for San Diego County to prohibit the hosting of a wedding as a commercial enterprise undertaken by Boutique Vineyards. It is, however, unreasonable for San Diego County to prohibit the use of a site for hosting a private wedding or a private party. Boutique Vineyards should not be held hostage to the nature of their business in exploring their property rights and hosting private weddings or private parties, albeit with friends or family. Regardless, the prohibition is draconian and a violation of property rights.

**Section b.11** Reads: "Outdoor amplified sound is not allowed. Non-amplified, live music may be allowed for the enjoyment of the patrons of the tasting area during the hours of operation in b.8, provided there is no advertisement or promotion that would constitute an event, pursuant to subsection b.6, and provided an Entertainment Establishment License has been issued pursuant to Section 21.2101 et seq. of the County Code."



This language is vague and indeterminate. Read literally, non-amplified, live music may be allowed provided there is no advertisement or promotion that would constitute an event, pursuant to subsection b.6.

- **Improper Intent.** It is not the intent of the commission to cause Boutique Vineyards to be unable to promote the presence of a non-amplified live music act for their tasting areas. Indeed, the exception of wine tasting as a non-event proves that the County does not want to prohibit the promotion of such occurrences. Consequently, it betrays logic that the County would want to permit the advertisement of the wine tasting itself, while prohibiting the mention of the live-act.
- **Better Language.** Outdoor amplified sound is not allowed. Non-amplified, live music may be allowed for the enjoyment of the patrons of the tasting/retail sales area during the hours of operation up to 24 times per year.
  - o **The Intended Prohibited Activities Are Prohibited.** This language still prevents the use of tasting/retail sales areas as concert venues. Compliance with occupancy and hour limitations prevents the foreseeable consequences of a successful advertising effort.
  - o **Prohibiting Advertisement/Promotion is a violation of free speech. It is a First Amendment Constitutional right of Boutique Vineyards to express commercial speech. Advertisement and promotion are forms of commercial speech.** Granted, some content may be constitutionally limited, the consequence of the vague and overbroad definition herein, unconstitutionally chills that freedom of speech. Forcing Boutique Vineyards to not engage in constitutionally protected speech for risk of violating this ordinance.

Thank you very much for your time and consideration.

Sincerely,

Escalona Cellars  
25130 Creek Hollow Dr.  
Ramona, CA 92065



**Lingelser, Heather**

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**From:** Stan Sisson <sdsisson62373@gmail.com>  
**Sent:** Thursday, July 02, 2015 10:11 PM  
**To:** Lingelser, Heather  
**Subject:** Re: Adding honey to allowable fermentables

**Categories:** Important

Hi again,

Yes, the percentages could work in terms of production, but maybe in a different way. We might want to get some beekeepers or honey suppliers involved for their input.

Honey is definately an agricultural product, but from what I understand, hives are often moved around to different locations, both for producing different honeys, but even more importantly, for crop pollination.

This may involve Riverside county, since there is citrus grown there, San Diego county for avocados, and Imperial county for alfalfa. So even though we would purchase the honey from a San Diego county based supplier, the bees may have foraged in adjacent counties.

Also, even though you may have hives in your own orchard, the bees might visit your neighbors orchard. Or the wildflowers down the road.

If we decide to include honey as an allowable fermentable, we should keep the intent of the ordinance in mind, to promote local agriculture, and not get too wrapped up in where the bees have gathered their nectar. The beekeepers will keep their hives as local as possible, since there is expense involved in moving them around.

If you have not tried mead, I should bring you some. It is a remarkable beverage, with several sub-categories that are perfect tie-ins to both apple cider and grape wine, as well as a base for enhancing with other fruits.

Cheers!

Stan

On Thu, Jul 2, 2015 at 8:14 AM, Lingelser, Heather <[Heather.Lingelser@sdcounty.ca.gov](mailto:Heather.Lingelser@sdcounty.ca.gov)> wrote:

Hi Stan, thank you again for attending the meeting. It is nice to meet our stakeholders face to face! I am not too familiar with the mead making process. Do the percentages of fruit production on site and from other properties transfer to the honey production? I think we can add your suggested language but I want to be sure that if someone decides to produce mead, the limitations in the ordinance would work. Thank you for your comments!

Talk to you soon,

Heather

Heather Steven Lingelser

☎ [858.495.5802](tel:858.495.5802) | 📠 [858.467.9314](tel:858.467.9314)

**From:** Stan Sisson [<mailto:sdsisson62373@gmail.com>]  
**Sent:** Thursday, July 02, 2015 7:58 AM  
**To:** Lingelser, Heather  
**Subject:** Adding honey to allowable fermentables

Hi Heather,

It was nice meeting you yesterday. Thanks for all the work you and Joe are putting in to make the ordinance a success. It was interesting to see all the varying opinions expressed by the stakeholders.

I am hopeful that honey could be added to the allowable fermentables. Honey is an agricultural product, and there are local honey producers.

This would allow the production of mead (honey wine, aka "Nectar of the Gods"). I see that "other fermented juices" is already included in the draft proposal.

With this in mind, perhaps the phrase could be modified to "The production of cider, mead or other fermented juices or honey into wine shall be allowed as permitted by the 02 Winegrowers license and subject to all other provisions of this Section."

Thanks again for all the work you are doing, it is appreciated. Looking forward to meeting with you again soon.

Stan Sisson

Cidermaker - Julian CiderWorks

[julianciderworks.com](http://julianciderworks.com)

**Lingelser, Heather**

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**From:** S Elaine Lyttleton <lyttleton@sv-mail.com>  
**Sent:** Monday, July 06, 2015 9:11 AM  
**To:** Lingelser, Heather; Farace, Joseph  
**Cc:** Jacob, Dianne  
**Subject:** Winery Ordinance workshop follow up  
**Attachments:** meet\_winemakers.jpg

**Categories:** Red Category

To: Heather & Joe  
 CC: Dianne Jacob

Since my comments at the workshop were introductory and very general, I didn't turn anything in to you for the record. Here are our thoughts and concerns now though.

By the way, the overwhelming response I'm getting from people who were there was that it was depressing – that you all seemed to have your minds made up on your course of action. The folks I'm hearing from are wondering why a handful of complainers are getting their way and the majority of us are having our ideas and concerns ignored. Not the democratic way they think.

I was a part of the group representing a majority of the wine producers and growers in the County, so the comments handed in and titled "Suggested revisions – 6/30/15 By the RVVA, SDCVA & Highland Valley Wine Country Alliance are ours too. We hoped the suggested wording makes your job easier! And for emphasis:

- What's the deal about Commercial activities not expressly allowed pursuant to the provisions of Section 6910 are prohibited? Are you talking about the small gift shop area with our logo items including wine glasses, cork crafts by local crafters, the books by local authors? Why on earth not? This is standard practice for wineries of all sizes in all regions! It helps with promotion when our logo walks out of here and many small local artisans are very happy to have an outlet for their talents at our tasting rooms. IF this is not what is meant, please clarify.
- With the possible exception of Milagro Farm Winery there are NO wineries, Boutique or otherwise who didn't get started in wine production to build inventory in order to open a tasting room - in an agricultural or accessory building. I'm talking everyone including all the members of the RVWA.
- I don't think anyone who wants to avoid serious litigation is opposed to building or modifying their public areas in accordance with ADA. But the small farmer transitioning from growing grapes to making wine to sell only has existing Ag buildings and they're all we can afford. That certainly fits with the "farming ordinance" vision this ordinance was supposed to be.

On the topic of food service, we are personally happy with prepackaged foods and catered food service (is it okay if the caterer adds the salad dressing to the salad on site?) Norm has owned 2 restaurants and we have no desire to enter that field again! I do think it's a shame that licensed and permitted caterers with a good reputation for bbq or pizza will be excluded and the concept of food trucks is totally banned. Is there any middle ground you can come up with? Like only once a month or with prior notice & approval or something?

On the topic of outdoor amplified sound – we have a noise ordinance. Period.

Outdoor eating areas – an early suggestion was that those should be tied to the number of parking spaces – not a flat number. Hours of operation are already covered elsewhere.

I have spoken to the Grape Line shuttle company that operates in "The Big T" as well as other wine areas in the state – I think I forwarded their letter to you last year during discussions. The smallest shuttle they run is 21 passengers. Changing from 12 to 15 does us no good.

On the topic of "What is an event?"

- I have a friend who is a local author, having written a book on the History of Ramona. He is asking me if he can sell some of his books in my little gift shop area\*. I said yes and bought 6 at wholesale. In conjunction with that I thought I'd invite him to come for an afternoon (maybe 1 to 3 p.m.) to autograph his books and offer 10% off the retail price of the books with the purchase of a bottle of wine. I will be promoting this. Is this an event?
- We have a Wine Club. Once a quarter we invite the members to come pick up their wines on a Saturday from 3 to 5 p.m., taste something new from the cellar, and I always bring in from a local deli or caterer a cheese tray\*. No charge to my Members, it's a thank you for being Members. I usually have Mike Wheeler come to play his acoustic guitar\* for added ambience too. Is this an event?
- The Soroptimists of Ramona have contacted me to see if they can meet once a month here in our barn/tasting room starting in September. They know we have a big table that seats 16 people and they have 8 to 12 members who usually come to the meeting. They will bring in their own food – either pizza or have a local caterer\* do dinner for them. I am not charging for the room, I am not arranging for the food, but I will be selling them wine. Is this an event?
- We have a small theatre company in town, Out of the Box Players who do 2 or 3 plays a year and hold them in the theatre at the local mortuary – hence their name... The Director Juliana wants to offer her patrons a "Dinner & Theatre" package in September – again at our table, obviously limited to 16 or in a push 18 people. I am not going to charge for the room, I am not arranging for the caterer, I am not collecting the money from ticket sales, but I am charging for and being paid for one glass of wine per person in her ticket price. They would be gone before sunset. Is this an event?
- Local small businesses are excited about the cross promotional opportunities provided by having Boutique wineries in their town. A yarn shop opened late last Fall on Main St. The owner and I promoted a Wine & Wool Pairing. We had 8 of her customers (& 3 spouses) here to learn to knit frivolous wine bottle hats & scarves, see a new yarn she was promoting and have a wine tasting. It was a fun thing to help draw attention to her shop, entertain a few of her loyal customers and we sold wine. Was that an event?
- There is a new craft store on Main Street in town. They'd like to cross promote and have a wine glass painting class here (you know – around that table) with a glass of wine, and they will bring in cheese platters from the local deli. Is this an event?
- We also have artists who'd like to have a showing here – we'd both promote it – attract art lovers to enjoy art and our wine. Is this an event? Is this like promoting a musician who I'd like to have play here? Aside from helping local artists, authors and small businesses it attracts people here to learn about our wine, taste and BUY. Are these events?
- The RVVA organized and promoted a Wine Maker's Weekend – see flyer attached. It was hugely successful and we sold lots of wine, and people really learned from it and enjoyed the weekend. Was this an event? I sure hope not – we want to do it again!

I have many other activities that may be defined as "events" in order to let people know we're here in order to see wine – I'm not sure I'll ever figure out what's a promotional activity to sell wine (allowed?) and what's an illegal event.

The Ramona H.E.A.R.T. Mural Project Inc. – a non-profit, holds an annual Art & Wine Festival every November to promote our artists, wineries and chefs. We get a CEP for that and it's not held at any winery. Our VIP ticket has always included a Wine Maker's dinner the following Spring and IS held at a local winery. It's catered, usually just the VIPs who paid for it, but open for them to bring friends for a fee – average attendance about 25 to 30. If this is less than 4 hours, and is over before dark, is this allowed? Would it be an extension of the CEP for the Festival, or even though it's limited to 25-30 people would a new CEP be required? Or since it's less than 4 hours no CEP required?



I am absolutely positive we will have more things we do or think we should be able to do, to promote sales of our wines that we'll puzzle over as to whether the County will consider it an event or not. Someone suggested if a ticket is sold it's an event. Otherwise it's not. Help!

Finally, I was disturbed hugely by comments made by a couple of people that there was "unfair competition". Good lord – isn't free enterprise and competition what our Country was built on? Should those of us who build better mousetrap be punished and shackled? We are not here to all match our footsteps to the lowest achiever among us, but to follow in the footsteps of success. We understand there's an EIR under which we need to abide, but surely there's room for interpretation.

Thanks,

*Elaine & Norm*

**S. Elaine Lyttleton & Norman A. Case**

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**Ramona CA 92065**

**760-787-1102**



**Lingelser, Heather**

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**From:** Smith, Oliver <oliver.smith@philips.com>  
**Sent:** Monday, July 06, 2015 4:58 PM  
**To:** Lingelser, Heather  
**Cc:** Farace, Joseph  
**Subject:** Comments on proposed Winery Ordinance changes

**Categories:** Important

Heather,

I enjoyed sitting in the audience last Wednesday listening to the wide ranging comments on the county's tiered winery ordinance proposed changes. Please note that my comments are from a Valley Center Planning Group Chair who is not a winery/cidery nor vineyard owner:

- Any restrictions beyond what are imposed on those wineries inside city limits would appear to penalize an owner in the unincorporated areas. Unless there is a matching benefit that can be given to the county owners in return, I don't see this as fair and leveling the playing field within the county.
- One of the initial problems a winery owner has depends on how well worded their private road agreement is with their neighbors. One individual I talked to at the meeting, who contracts out to support wineries, said that if the agreement is written poorly, the winery owner has little recourse to getting their vehicles through, let alone their customers. I can understand people not wanting traffic on the roads to their houses, but it would seem unfair at best if one curmudgeon could prevent the lawful use of a property as a boutique winery. I'm not a lawyer, but perhaps county counsel has suggestions on how an applicant can successfully work through issues like this with the county's help. I'm not opposed to agreements that support a fair share burden on all, with heavier users assuming more of the load, but I am against what could be perceived as a brick wall.
- I fully support an acoustical sound volume limit that is based on measureable data and not dependent upon how loud somebody can sing. If that process is good enough for many other types of permits through local and state governance, it is obviously good enough in this case.
- I am not as adamant about advertising. However, I am concerned that, in particular, performers whose livelihood is very much impacted by it are being negatively affected for what appears to be no good reason. Allowing no advertising seems to drag everyone down to a lower level rather than bringing everyone up to the same starting point on the playing field.
- As for food and catering, perhaps there is a middle ground between none whatsoever for the smallest wineries and having large wedding catering performed weekly there. The goal is to provide an atmosphere conducive to selling winery products. I agree simply having only crackers ain't good enough. If the big issue is DEH, then appropriately targeted training, certification, and monitoring would seem to be the reasonable answer as long as longer term caterer permits are made available.

Regards,

Oliver Smith  
 Chair, Valley Center Community Planning Group



**Lingelser, Heather**

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**From:** Matthew Miller <matthew@authorsden.com>  
**Sent:** Monday, July 13, 2015 2:54 AM  
**To:** Farace, Joseph; Lingelser, Heather  
**Subject:** Ramona Wineries

Joseph Farace and Heather Lingelse,

I located your names here.

<http://www.sandiegocounty.gov/content/sdc/pds/advance/Winery.html>

I live in Ramona and been to most of the local wineries  
 and have heard talk from owners wanting to serve food.  
 During this fast growing time wineries should be focusing on their wine, not food.  
 Owners seem to be pushing this more than use customers.

Ramona has some good restaurants, deli's and stores where wine tasters  
 can purchase picnic items or dine. Stopping wineries from serving food will overflow and create  
 many long-term opportunities for restaurants, shops, B&Bs and the local community.

Napa Valley the world leader in wine supports their local restaurants, hotels and community.  
 Napa does NOT allow winery to serve ANY food, not a cracker.  
 Wine tasters must taste wine and move to the next winery.  
 If wine tasters are hungry they need to plan ahead and bring a picnic lunch or stop for lunch or dinner.

Ramona wineries should simply provide picnic tables for people to eat their own food while enjoying amazing country  
 views.  
 Customers can purchased food at a local stores or bring from home. Wineries can also recommend local restaurants,  
 perhaps ones that don't charge a corkage fee for their wine, so their customers can enjoy a nice dinner with their wine.  
 In time, this will expand into Ramona being a "destination" with nice restaurants and Bed & Breakfasts,  
 which will help the local community over the long-term.

Allowing wineries to serve food might relieve short-term pressure by owners,  
 but it will create a much larger problems as wineries start battling to keep customers on their property longer.  
 They will want to expand, more seating, larger menus, more electricity, more water, more buildings, more restrooms,  
 longer hours, etc.

Napa does it right. Napa understands wine tasting is just that, a tasting experience.  
 Wine tasting is NOT a one stop-shop for all your wants and needs under one roof.

Please simply instruct wineries to get some nice picnic tables and  
 inform to their customers where nearby choices for getting picnic items, or dining.

I am not a restaurant owner nor have any association with food businesses in Ramona.  
 I just believe in long-term planning, and not short-term pushes by over excited "learning as they go" winery owners.  
 I love the local wine options, but Ramona winery owners are an interesting breed, more season-to-season short-term  
 opportunists.

Also, it will be very difficult to take away food, once provided.  
 Probably best for now, to not let them sell a crumb.  
 I understand winery owners want people to stay on their property longer, (offering massages, music, snacks, lunches,  
 etc.)  
 But its best to bribe people with good wine, and perhaps customers will buy a bottle and enjoy a picnic on their property  
 and take a case home.  
 No food served by wineries will keep wineries competing to make the very best wines,  
 which is good for everyone in San Diego County.

Thank you for listening.

Matt Miller  
760-315-5843

Andy Harris  
Chuparosa Vineyards

A full 18 months after the last County hearing, along with fascinating input from the much of the winery community; we are once again meeting for yet another round of comments on proposed Ordinance modifications. The County is to be complemented on retaining much of the Ordinance language in light of the overwhelming amount of smoke and mirrors, misinformation, and outright fabrications provided in previous testimony.

In truth however I know the County never had all that much wiggle room in the first place due to CEQA constraints, County and State DEH regulations, and the supporting EIR results. All of the outrageous demands for exemption from the California Building Code (CBC), the whining for preferential treatment allowing unlimited bulk wine, and the aggrieved petitions for relief from CEQA are exactly that - smoke and mirrors. CEQA and the CBC remain the law in the State of California and relief at the State level is extremely unlikely to be granted.

The list of ridiculous positions presented by some of the wineries is endless, so in the interest of focusing solely on the present Ordinance version I'll focus my comments on the following topics:

- Onsite Production/Tasting Room Sales
- Food Preparation
- Events
- Tasting Room Building Req'ts and Footage Limitations

### 1. Onsite Production/Tasting Room Sales

Onsite production requirements were originally included in the Ordinance to specifically address PDS staff concerns with someone establishing a huge tasting room on a one acre property and the inevitable conflicts with neighboring properties. Minimum onsite production requirements were placed in the Ordinance in order to avoid a minimum acreage limitation (10 acres suggested) being incorporated in Ordinance requirements for a Boutique winery.

The concept is simple – only so many grapes can be grown on an acre of land and those grapes will only make so much wine. The production requirement limits the size of the operation to a maximum of 4x what can be produced on the acreage, and consequently the traffic, noise, and other CEQA concerns from any tasting room operation. In theory the onsite production requirement limits the amount of customers at a winery.

These limits were directly quoted by the Appeals Board in their finding favoring the Boutique Winery Ordinance during the lawsuit and subsequent appeal. Yet the County has subsequently completely failed to enforce these limits and the accompanying limitations on size of winery operations that would have resulted. To add further to the problem, the County has also allowed a re-interpretation of Ordinance language to read "production requirements contained in the Ordinance are for the winery – you can sell any damn thing you want out of the tasting room - Bulk wine from up North, slushies, sangria, etc. etc." Decoupling of winery production from tasting room sales invalidates the natural limit on traffic to small

acreage wineries and thus one of the CEQA priorities. If this flawed interpretation persists, the County will have to re-introduce the 10 acre minimum discussed previously as a requirement to meet CEQA limitations.

The current Ordinance revision **STILL** does not address this problem. It still says winery production and remains mute regarding source of wines that will be allowed for sale at the tasting room. The table included in the new Ordinance Version has the wrong headers on the left, leading to further confusion regarding what is allowed from within and from outside the County. The Ordinance should be amended to read the following:

***Boutique Winery Restriction***

No wine produced outside San Diego County or by any other winery in San Diego is allowed to be offered for sale in the tasting room. Only wine directly produced by the winery is allowed to be offered for sale in the tasting room. A minimum of 50% of the winery's production and tasting room sales shall be from fruit grown or sourced fruit produced in San Diego County. No more than 25% of the winery's production and tasting room sales may consist of fruit (not wine) grown or sourced from outside San Diego County.

This preserves the natural limit on number of customers visiting small acreage tasting room locations. Barring this revision, the County is required to reestablish acreage minimums to remain within CEQA restrictions.

***Small Winery Restriction***

No wine produced outside San Diego County is allowed to be offered for sale in the winery tasting room. Only wine directly produced by the winery or purchased from other San Diego County wineries is allowed to be offered for sale in the tasting room. 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 sourced fruit, juice or wine from outside San Diego County; and this limit is subject to discretion of San Diego County PDS evaluation for CEQA compliance.

This clause once again requires the winery to be a winery, not a sports bar on ag-zoned land endeavoring to avoid filing for an ABC bar license.

The subject of offsite vineyards has arisen as a way to 1) increase stated production, and 2) increase the allowable size of the tasting room. On the surface this approach appears compatible with the goals of the Ordinance – to foster planting and farming of vineyards in San Diego County. If you look beneath the surface however, this dodge has already been tried once by Eagles Nest winery to increase the size of their tasting room and justify their B&B they never licensed. Eagles Nest claimed that the owner's mother owned an additional 5 acre parcel already planted to grapes and that the mother would never

sell to anyone else so this vineyard production should be added to their size to enable a larger tasting room. Please note that a larger winery to facilitate processing all those additional grapes was never requested – only the additional retail sales space was requested.

The game has always been about how to get around the 30% retail floor space limitation in the Boutique Winery ordinance. Once again if the County grants relief on 'offsite vineyards' the County is going to get hammered with every conceivable definition of what comprises an offsite vineyard in order to provide workarounds for a limitation required to maintain compliance with CEQA. The size limitation was included to limit customer traffic to a level compatible with the property size. ANY expansion of this limit is going to violate the assumptions under which the FEIR was written and the Courts provided validation.

If indeed the offsite vineyard production is awarded in perpetuity to the petitioning winery, then why isn't the tasting room just built onto the larger parcel in the first place?? The entire offsite vineyards argument is just another smokescreen. The Ordinance already allows for extensive use of grapes sourced within San Diego County. Once made into wine by the winery, the product can be sold directly through the tasting room. Enabling artificially larger tasting room retail space based on claimed additional acreage is misleading and violates CEQA constraints.

## 2. FOOD PREPARATION

The Department of Health of the State of California has specifically stated that a winery may only offer crackers to the public as an integral part of regular tasting room operations without being considered a "Food Facility" and subject to additional regulation (Part 7 California Retail Food Code 113700-114437). This limitation is in place whether or not a price is charged for the food or if the food is free. This is not a County issue – County law does not supersede State Health Department statutes.

Notwithstanding this State law, the County has permitted repeated, numerous, and well advertised wine/food pairings, full dinners at the winery and/or in the vineyard, and onsite preparation of all kinds of food in private kitchens with absolutely no enforcement effort whatsoever. See how many of these wineries currently offer pizza from their own wood fired ovens. This is first and foremost an obvious public safety issue and a County responsibility, but it also goes to the core of even treatment.

My operation does not include any food service other than crackers. I have all 5 star ratings on YELP except for one who gave me 4 stars. His comment was "would have given Chuparosa 5 stars but they didn't have food" -So much for trying to obey County and State Law. The profit margin is clearly much higher if the laws are ignored and there certainly no threat of any real penalties.

The current Ordinance version states in one section that "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." Does this mean that food can be served at the tasting room (the premises)? Doesn't this conflict with Section 7 of the same Retail Food Code? (only crackers allowed or else the establishment is considered a Food Facility").



Part 7 of the proposed Boutique Winery Ordinance version goes on to restate what has been past policy – that prepackaged foods and catered foods are allowed at the winery provided that catered food is prepared by a licensed caterer offsite. This section is in direct conflict with the California Retail Food Code. The entire section needs to be rewritten to comply with the Retail Food Code.

An interesting subset of this argument is the use of food trucks. In San Diego County food trucks are subject to serious compliance. A food truck is a licensed, inspected, regulated, certified commercial kitchen, which meets the ordinance's criteria that catered food is allowed to support a special event at a winery. The truck's staff is trained and certified, and the food preparation facility is, as well. When a winery is hosting a food truck, the winery is not preparing food.

All sounds well and good right? Now let's apply the events criteria to the food truck issue. Does the winery get to advertise that a food truck will be there certain hours of the day? If so will there be live music (advertised or unadvertised) coincidentally occurring at the same time? Doesn't this constitute an event that draws more people to a small site (more traffic, dust, noise, etc) than CEQA limitations contained in the Boutique Winery Ordinance allow? Perhaps is this activity no longer secondary to the offering of farm products direct to the public (a primary justification for the Boutique Winery Ordinance)?

The presence of food trucks at wineries with an Administrative or Major Use Permit can be evaluated on a case by case basis because there is a discretionary permit process. Winery acreage, parking availability, and proximity of the tasting room or patio to neighbors can be evaluated individually where a discretionary permit exists – it cannot be evaluated for any Boutique Winery and the inevitable conflicts will result if the County chooses this path. Although I would personally like to see a food truck at my tasting room, there is no way to insure the privilege won't be abused as many other privileges now are. It's just another attempted end run around the Ordinance statutes cloaked as a reasonable request. We have learned the hard way this is the case.

### 3. EVENTS

The current revision of the Ordinance provides a definition of "Events" with the more typical types of events such as weddings and parties being explicitly prohibited. What about crafts events? Are they to be considered community events even though the winery organizes, advertises, and profits from these events? What about wine and food, wine and cheese, 5 course dinners in the vineyard, and other pairings events at the winery? They are also organized and advertised by the winery to generate non-wine profits (\$80 per ticket average right now).

This entire section needs to be completely rewritten to state what is permitted and what is forbidden. As it currently stands the wording is so vague that the deceptive practices common over the past three years will not only continue but increase.

The County may be on a fruitful course given their new definition involving events hosted by community entities. Forbidding any events hosted by the winery seems to cut through a lot of the chaff and misinformation floating around out there. Indeed the Menghini Winery, a major use permit holder in the Julian area, is subject to this same restriction with a Major Use Permit! The Grape Stomp event held



every September at the Menghini Winery is hosted by the Julian Chamber of Commerce, NOT the Menghini Winery. Dinners in the vineyard, wine/food pairings at the patio, wine/cheese pairings at the tasting room, and 5 course dinners are not permitted at the facilities of Major Use Permit holders, so why are they de facto approved for the ethically challenged businesses operating under the Boutique Winery category??

#### 4. TASTING ROOM BUILDING REQUIREMENTS AND AREA LIMITATIONS

The new Ordinance version contains verbiage in section 5i asserting that "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".

How is this going to be enforced? When is it going to be enforced? For over three years now the County has openly allowed tasting room operations out of the basement of agricultural buildings, old sheds built with no permitting whatsoever, and portions of residential structures. The California Building Code is extremely clear on what constitutes an approved structure for public access; yet certain wineries continue to get a pass from the County.

Please note that not all wineries get this free pass. Three years ago when Gerry Cordiano applied for his Administrative Use Permit, the County told him directly that he would be better off tearing down his residential structure and starting over rather than to try to upgrade it to commercial standards suitable for public access. This residence was never permitted for public occupancy. Yet somehow within the last three years several buildings belonging to certain other wineries have been magically 'upgraded' to commercial standards. What changed? What standards are being enforced? Why aren't they being enforced the same for all wineries?

I have been directly involved in several building permit processes at the County for both my winery operation and proposed operations of others. Meeting with County planners is always a frustrating experience because of continued misinformation and outright arrogance. Mike Johnson of the Planning Group went over our tasting room application 5 different times recalculating the property acreage in an effort to reduce that acreage to a point where the proposed tasting room would be too big. He even started using net acreage instead of the gross acreage quoted in the Ordinance. On three separate occasions Debra Frischer of the Planning Group has told separate winery owners that all their ABC permits would have to be in place before a building permit is issued. This is pretty entertaining as ABC explicitly requires a completed, lockable structure prior to the issuance of ANY 02 Winegrower permit. Planning staff has been made aware of this ABC law 4 separate times and still this foolishness continues. Most new wineries trying to comply with County and State laws are repeatedly subject to this level of harassment and gross incompetence.

On the other hand, the County's own building inspectors are openly marveling at the fact that certain wineries with open building code violations on their properties are allowed to pull new permits in direct violation of longstanding County policy. Coincidentally enough some of these same special cases are allowed to magically convert residential space to commercial space. No mention is made of the

requirement for all electrical in conduit, a 5 inch slab, etc. etc. A magic wand is waved and suddenly the building meets commercial sections of the CBC and is therefore fit for public occupancy.

The County is sending an interesting message with this de facto policy. Any business foolish enough to apply for a building permit for a structure fully complying with the CBC is going to be in for an extended, expensive harassment with no clear guarantee of the eventual outcome. Any winery operation that simply declares an existing structure to be a tasting room, builds an ag building, or weaves a mud hut and waves a certain magic wand is good to go with absolutely no repercussions.

The County needs to enforce the CBC in a uniform manner for everyone, or else everyone needs to get a pass. Legitimate operations willing to put the money into infrastructure that complies with CBC requirements should NOT be penalized, or put at a business disadvantage relative to ethically challenged pseudo-wineries.

In the past County Code Enforcement has cast themselves as the benevolent guidance counselor gently leading the miscreants back to the true path. Their stated preference is to gradually nudge offending businesses into compliance. The truth is somewhat less benevolent however. Take for example the Salerno winery. This operation has 14 code violations recorded in County files. Yet today they continue serving food, offering the "Opera House" (an ag building not permitted to the commercial CBC) for public events, and generally thumbing their noses at any County statutes. Benevolence is NOT a synonym for incompetence. Pseudo-wineries this far out of any semblance of compliance should be closed until compliance is demonstrated, not allowed to operate indefinitely because they once filed to open an Administrative Use permit.

Eagles Nest is another prime example. Two years ago they filed for an Administrative Use permit. They now prepare pizza in their wood fired oven (no DEH approvals) from pizzas made in a home kitchen next door. They cater weddings, dinners, and other events, all with complete impunity. County Code Enforcement 'investigated' them over two years ago. So why are they still operating??

All wineries in San Diego County should NOT be granted any privileges beyond the Boutique Category until the discretionary permit process is completed and approved. There is no excuse for these entities being allowed to game the system by filing for a discretionary permit, being given the additional privileges, and then sitting on it for multiple years. This only insures the County won't be processing very many discretionary permits ever.

## SUMMARY

In closing there is a common theme that runs through all these concerns with the present Ordinance language. How are the requirements to be enforced? We have been down this road many times since the Ordinance passed in August of 2010 (yes that's 5 years ago now). All of the wordsmithing and vocabulary engineering in the world is NOT going to make any difference if there is no effective enforcement.

Lack of enforcement puts the future of the Ordinance and the San Diego wine industry at direct risk. Its way past time the County addresses this issue rather than enter yet another round of Ordinance wordsmithing and extended dithering.

Lingelser, Heather

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**From:** Carolyn Harris <carolyn@ramonavalleywineries.org>  
**Sent:** Monday, July 20, 2015 4:09 PM  
**To:** Farace, Joseph; Lingelser, Heather  
**Subject:** Winery Ordinance POD-14-005 - Response to Published Comments  
**Attachments:** Winery Ordinance POD-14-005 - Response to Published Comments.pdf

**Categories:** Important

Hi, Joe and Heather:

I am preparing my suggested edits to the 26 June 2015 winery ordinance draft clarification draft, and will get a mark up with my supporting rationale to you in the next few days.

In the meantime, last week the Ramona Sentinel published a copy of correspondence that was sent to your office from the *Ramona Ranch Winery's* operators / who also currently are leading the Ramona Valley Vineyard Association.

It may not be obvious to a casual reader how much of the content is misinformative, and if accepted as truth, would hurt, more than help, the successful development of this industry. To that end, the attached researched input is provided for your file.

Carolyn

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

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Carolyn Harris  
 Vice President and General Counsel  
 Ramona Valley Winery Association  
 carolyn@ramonavalleywineries.org

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20 July 2015

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

Attention: Joe Farace, Planning Manager

Subject: Input in response to Ramona Ranch Winery / Ramona Valley Vineyard  
 Association's 15 July 2015 Published Comments to County Staff

Reference: Winery Ordinance Amendments (POD-14-005)

Dear Mr. Farace:

The Ramona Valley Winery Association has led the initiative and worked with the County of San Diego since 2006 to write, develop, and implement comprehensive local regulations designed to encourage the renaissance of the premium wine industry that once flourished in San Diego County before Prohibition. We appreciate the efforts of the County to attempt to clarify and strengthen the ordinance that first went into effect in 2010, and look forward to the effective enforcement of the ordinance and protection of this nascent industry.

The new 2010 ordinance removed the \$250,000, five-year Major Use Permit barrier that bureaucratic complexities had placed between the County's winegrowers and their customers who wanted to taste, evaluate, and make direct purchases. As a result, some wineries have made the investment in blood, sweat, education and treasury required for the development of a vineyard, winery, and public accommodation. These projects have been very well received and have flourished, while others have attempted to shortcut the investment, and therefore struggled to attract attention for reasons other than the wine they grow on their property. They have disregarded most of the limitations imposed by the ordinance, and now are crying potential injury at the prospect of the County's enforcement of the ordinance.

The RVVA's input to the County published in the Ramona Sentinel on 15 July 2015 reflects that desired shortcut business model, and does not appreciate the consequential risk posed to the foundation of the liberties that the ordinance provides.

The current four-tier winery ordinance was designed to provide for the graceful growth of the industry. The tiers include:

- 1 -- Limited Wholesale Winery (by right; no use permit required; no sales to the public),
- 2 -- Boutique Winery (by right; no use permit required; direct tastings and sales allowed with many restrictions),
- 3 -- Small Winery (with an administrative use permit; events and other liberties allowed), and
- 4 -- Winery (with a major use permit; fruit source restrictions removed)

Any winery that is already successful in growing good grapes, making good wine, and selling the wine they make has the opportunity to expand their activities (if their property is properly sized and located) by applying for a use permit. The Boutique Winery category was not intended to be the start and finishing tier for new winemakers, but provides an opportunity to develop a reputation as a source for excellent wine, and only THEN grow up to become a Small Winery.

Please see my comments below the following boxes which copy portions of the RVVA's letter.



Page 2 of 5  
 Carolyn Harris 7/20/2015  
 Winery Ordinance Amendments PDS2014-POD 14-005  
 Response to Ramona Ranch / RVVA Edit Requests to SD County

<http://www.ramonasentinel.com/news/2015/jul/15/do-not-kill-budding-wine-industry-with-restriction/>

***Don't kill budding wine industry with restrictions***

*By Teri Kerns 12:12 p.m. July 15, 2015*

*(This was sent to Joseph Farace, county Planning and Development Services planning manager.)*

*Dear Mr. Farace,*

*Thank you for your support of San Diego's growing wine-grape industry. I appreciate the opportunity to provide input from an operational and small business owner's perspective on the proposed changes to the County's Winery Ordinance, #6910.*

*.....*

*The current ordinance encourages us on this path. Eliminating the "by-right" allowances, prohibiting events and advertising while restricting our operations removes the incentive to invest thousands of dollars in our rural communities and will not draw tourists.*

The County is working on edits to the current ordinance to clarify to the Boutique Winery operators and County Code Enforcement officers what the restrictions are so that enforcement can be implemented without further objection.

The County's ordinance edits do not remove any of the existing "by-right" liberties granted in the 2010 winery ordinance. "Events" were, and still are, prohibited at Boutique wineries. The prohibition on events was an assumption of the EIR that the County invested \$350K and 2 years to support the winery ordinance between 2008 and 2010. A revised EIR would need to be conducted to allow events at Boutique Wineries.

*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, often referred to as the "ripple effect." I am asking that this statement be removed.*

This preamble states the required interpretation of all County zoning ordinances – that what is not expressly allowed is prohibited. The letter's author's interpretation (that what is not expressly prohibited is allowed) is backwards.

*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 with 10 acres, we are allowed no more than 3,200 square feet, yet we can make up to 5,000 cases of wine. Wine requires aging and storage; a good estimate is 1 foot per case, so just to store 5,000 cases, we would need a 5,000-square-foot facility, plus additional room for shipping, receiving, laboratory, maintenance, circulation and offices. A reasonable estimate is double these numbers.*



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The letter's author's statement that they are allowed to make 5,000 cases of wine from their property is incorrect. Their property is limited to a maximum of something more like 600 cases per year. The Boutique Winery ordinance provides a natural balance that requires that at least 25% of the grapes used for the winery's annual production be grown on the winery's property. The letter's author's property may be 10 acres in size, but terrain, boulders, structures, landscaping, and roads have limited vineyard acreage to approximately one acre, which could produce up to approximately 150 cases of wine. The Boutique winery ordinance would therefore restrict the total production on the site (once the vines are producing fully) to a maximum of 600 cases per year: 4 times what is actually - not theoretically - grown on the property.

Using the letter's author's rule of thumb of 1 square foot of production facility per case of annual production, the production structure required for this project is between 150 and 600 square feet, and if doubled as suggested, 300 to 1,200 square feet, which is only a fraction of the 3,200 square foot limitation provided in the winery ordinance for a Boutique Winery on a property of this gross acreage. The ordinance's winery production structure size limitation is more than adequate for this project.

If a property is appropriate for more acres of vineyard, and if 5,000 square feet is inadequate for the winery's allowed production, then the current winery ordinance provides for a larger structure to be requested under the Small Winery tier, operating under an Administrative Use Permit.

*Page 4, #4 (continued). No additional barns, agricultural storage...shall be utilized. Where are we 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.*

The letter's author misinterpreted the County's draft specifying the limitation of the size of the structure(s) used for wine production. The letter's author is welcome to seasonally store equipment in any accessory structure which is appropriate for storage.

After specifying a Boutique Winery's size limitation for wine production, the County drafted: No additional barns, agricultural storage buildings and/or other accessory structures permitted pursuant to Section 6156 shall be utilized for the Boutique Winery [production facility size calculation, nor for wine production, public access, or retail activities]. The underlined bracketed words should be added to the draft for clarification.

*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 six events per year for no more than 399 persons, and three events per year for more than 400 persons. My 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.*

Many misstatements are included here. The 26 June 2015 draft does not add "parties" to the definition of prohibited events. The current Boutique Winery ordinance already provides that events and parties are prohibited. Period. (6910.b.6: "Events, including but not limited to weddings and parties, are prohibited.") That was the assumption upon which the EIR was conducted. The County has attempted to expand upon the short statement in the June 26 2015 draft by listing the only gatherings which would be allowed at a Boutique Winery (wine production, wine sales, wine tasting, agricultural instruction and educational tours). See

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comment above explaining that with zoning ordinances, any types of use not expressly allowed is prohibited.

The statement that other wine regions of California allow events at wineries without use permits is wrong. The letter's author entirely misstates Napa County's allowance for events in the following respects.

- 1) Every Napa County winery must be on a property of at least 10 acres and operate under a Use Permit. The application package of forms and guidelines is 22 pages in length. (See <http://countyofnapa.org/WorkArea/DownloadAsset.aspx?id=4294967668>). This process is not unlike San Diego County's major use permit, involving years of effort and a significant investment.
- 2) No new winery since 1990 in Napa County is permitted to hold public tours and tastings. If a use permit is issued, and if that permit allows public tastings, it must be by prior appointment only. No public hours of operation are allowed.
- 3) In Napa County, allowed winery events are limited to marketing events, which must be related to the education and development of the consumer or trade about the wines that can be sold at the winery at retail. Cultural and social events unrelated to such education and development, including weddings, are prohibited. (See <http://www.countyofnapa.org/wdo/> and the May 2010 update No. 1340)
- 4) All other public events (as listed by the letter's author above) which are not expressly allowed in the winery's use permit require a temporary events license issued by Napa County for each individual event. Filing fees, insurance, advance neighborhood notification within 1,000 feet, 60 day advance application, and other extensive compliance requirements apply. (See [www.countyofnapa.org/workarea/downloadasset.aspx?id=4294967665](http://www.countyofnapa.org/workarea/downloadasset.aspx?id=4294967665)).

*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 our local breweries and urban wineries, as well as in other counties, for example, Amador County. Serving food to wine drinkers is a good practice and should be encouraged. My recommendation is that caterers be allowed to operate within the constraints of their own specific licenses.*

The 26 June 2015 draft makes no change to section 7 (food) at this time. It is understood that the County is continuing to work on this section of the ordinance in light of the fact that the California Health and Safety code limits food served at wineries to crackers, unless the location carries a food facility license. It should be noted that a food truck is a licensed, inspected commercial kitchen, where food preparation can occur.

The Boutique Winery is not intended to be a "wine drinkers" venue as the letter's author assumes. It is a venue for the direct-to-consumer sale of wine grown and produced on the premises. A limited tasting of samples is customary, but the offering of wine-bar type of wine drinking on the site without a use permit is not the intended purpose. If the letter's author finds the level of wine drinking at her property to require food to be served in the interest of public safety, then perhaps the Boutique Winery tier should prohibit the service of wine by the glass, which is a restriction the County has the prerogative to apply.

*Page 5, #11. Does not allow outside amplified music, and requires an Entertainment Establishment License. I've attempted to obtain an Entertainment Establishment License, after being told by the sheriff that we cannot provide the acoustic music currently allowed by the existing boutique winery ordinance without this license. Then I was informed that as ag land, we*

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*are not zoned for an Entertainment Establishment License so can't have one. In reviewing the license application, boutique wineries are not noted as a required establishment. My recommendation is that "Music is allowed in compliance with the existing County Noise Ordinances."*

The current Boutique Winery ordinance prohibits amplified sound. The 26 June 2015 draft provides no further restrictions. The ordinance's Boutique Winery tier does not grant a live entertainment use. Agriculture zoned areas do not provide for an entertainment establishment use by right, any more than they allow for a restaurant, bar, or crafts center use by right. An administrative permit or a major use permit is available to a winery that would like to attract the public onto the agriculture property by providing food service or live entertainment.

*Page 5, #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 the owners, stating instead "outdoor eating areas shall only be used by the public during the hours specified in the ordinance. "*

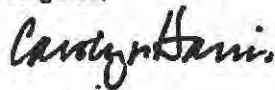
.....

The letter author's concern for this limitation arises from the fact that the letter author's home outdoor patio has been extended and converted to public use without a permit, which would require fire code and ADA accommodation, among other considerations. This is the case with many "winery" projects that have sprung up following the passing of the new winery ordinance. When retail, food service and live entertainment activities are allowed to occur in and around residences under the guise of being an operating winery, without use or building permits, then the distinction between private and public uses is entirely blurred. The California Building Code requires that when more than one use is shared in a given space, the more restrictive use's code requirements shall apply.

Thank you for your consideration of these comments.

The RVVA will provide a review and suggested edits to the 26 June 2015 draft ordinance in the next few days.

Regards,



Carolyn Harris



PLANNING  
AUG 11 2015  
Planning and  
Development Services

Highland Hills Winery • 18545 Rangeland Road • Ramona, CA 92065 • 760.239.6515 • www.highlandhillswinery.com

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

July 28, 2015

Dear Mr. Farace,

My family and I own and operate Highland Hills Winery in Ramona. We planted the vineyard in 2007, became a bonded winery in 2011 and opened our small tasting room in late 2012. My son and I make the wine, my daughter and daughter-in-law run the tasting room. Grandchildren work in the vineyard. I have been active in the Ramona Valley Vineyard Association—was President a few years back. I admit to being Ramona-centric, but I believe my comments are generally applicable.

For the most part, it has been an enjoyable and rewarding experience. One of the most rewarding aspects has been the response from the Ramona community. There is universal excitement in Ramona over the small wineries and the vineyards. When we planted, we had to get supplies from Bakersfield. I made several trips to Bakersfield with my old pickup straining its heart out over the Grapevine. Now local merchants are carrying vineyard supplies—and excited to do so. I haven't made a trip to Bakersfield for five years, I hope never to again. At least to haul vineyard supplies.

You have received two previous letters—one by Teri Kerns and Micole Moore, the other by Elaine Lyttleton and Norm Case—that make excellent points and some suggestions. I am not going to duplicate their work. I have attached copies.

When we came here (2005), Ramona was known as a place that you could buy gas on the way to Julian. Now, we routinely have visitors from all over visiting Ramona to taste wine. And, obviously, to visit San Diego County. We have something over 30 tasting rooms in the Ramona area and a few more planned. We are becoming a "destination". All this was enabled by the original Tiered Winery Ordinance. When discussing the recent history of San Diego County wineries, we make a point of crediting the County Board of Supervisors and the County Staff for enabling our budding industry. You did a great job and we appreciate it.

I have attended both "workshops" on proposed changes to the Tiered Winery Ordinance. I am the person that speaks on "sustainable agriculture", being defined as making enough money to "sustain" another year's operations. The changes you proposed at both workshops will make some existing Boutique Wineries "unsustainable" and fewer will start in the future. How many? Who knows? What is certain is that it will be harder to start and harder to stay in business.



Not only are you hurting the start-up (or yet to start) wineries, you are hurting a whole host of mostly small businesses that the wine industry supports. Caterers, food trucks (strangely prohibited), tour operators, musicians, small construction contractors. Etc. I am always amazed at the ripple effect of the Boutique wineries starting up.

A personal "cause" of mine is the career opportunities that the wine and grape industry creates for young people. Most of what we do doesn't require four year college educations with the attendant debt. I am on a committee at Cuyamaca College working to develop an innovative apprenticeship program. Your proposed actions will limit those opportunities.

I have spent the last 45 years starting companies—beginning while I was still in college. I was Chief Technical Officer when I was in my 20's, moved to CEO in my mid 30's. I am proud to say that everyone that invested in one of my companies made money. I doubt Highland Hills will ever return my investment, but since I am the only investor, my record of not losing other people's money is intact.

I thought Highland Hills Winery would be my last startup, but I am involved (thankfully not as CEO) in a technology startup that you will hear about, if it succeeds. It will not be subject to your ordinance.

Most startups fail, usually before even opening their doors. For a whole host of reasons, sometimes good, sometimes not so good. I have been involved in dozens that never actually started--a couple of which would have been true home runs. Success is rarely that "home run", mostly it is trying to get enough bunts and singles to stay in the game. It is a game of inches. Startups and small businesses simply cannot deal with much in the way of headwinds.

The preamble to the proposed changes to the Tiered Winery Ordinance #6910 starts with: "The purpose of these regulations is to promote production of wine from fruit grown in San Diego County, to support local agriculture....." From there on, all proposed changes, with one minor and irrelevant exception, will make starting and operating a Boutique Winery in San Diego County more difficult and uncertain. Some a little, others a lot. An already questionable financial proposition becomes even more so.

The "minor and irrelevant exception"? Increasing the seating capacity of the maximum vehicle from 12 to 15 passengers. The extra three seats is obviously minor; the change is irrelevant because the typical tour bus is 20 passengers. In effect, you have allowed us to increase the number of unicorns we can have in the tasting room from two to three.

The driver gets paid the same for driving a 20 passenger van as a 12 passenger, fuels costs are about the same. They don't fill all 20 seats, but the times they do pay for the trips that have only 6. The restriction to 12 (or 15) is effectively a prohibition on wine tours—because the wine tour operators have found that to be profitable, they need 20 seats. I would think you would want to encourage tour vehicles—less vehicle traffic, no DUI concerns, etc. Instead, you are effectively prohibiting them.

We have the occasional tour van come to our winery. It really isn't all that profitable for us—breakeven more or less. But, we like the tours because they are mostly out of towners unfamiliar with San Diego County, don't know there is a wine industry in San Diego, or Southern California for that matter. We very much enjoy the visitors—from all over the world—and I think it safe to say they enjoy visiting our family winery. They leave promising to come back and encourage friends to visit San Diego and Ramona. Seems like something that should be encouraged.

Prohibiting tour vans will not hurt us a lot in the short term—because we don't make a lot on them— but it hurts the tour operators a lot more. There will be fewer of them, and fewer opportunities for visitors to San Diego to experience our wine country. Good example of the secondary effects.

In fairness, when the original Tiered Winery Ordinance was proposed, I didn't object to the 12 passenger limit. I had never given much thought to the tour business, didn't understand the economics. Now, I do. Somewhat. It is a good example of how little rules, apparently innocuous to those not in the business, can have a major impact. Not only on the wineries, but also on other businesses.

Speaking from almost 50 years of experience starting businesses, if you want to continue to encourage small wineries two things are absolutely necessary:

- 1) A minimum of obstacles. Every regulation prevents something from happening—that is its purpose. Some things need to be prevented from happening. It has to be understood that every rule makes it harder for someone to start a business or stay in business. It is impossible for anyone to predict how much harder, especially those not in the business. Each regulation has to be judged by the standard that it WILL put someone out of business. Or, limit their success. Or prevent them from starting. Maybe not who you thought would be affected. You must be very careful that the benefit is worth the cost. The cost is never zero. Worse yet, it is impossible to predict. The "Law of Unintended Consequences".

Much of the proposed changes probably seem minor to you, but they are not to those of us that have to live with them.

Teri Kerns & Micole Moore did an excellent job of describing the problems your proposed changes create and some proposals for alleviating same.

- 2) A maximum of certainty. If you are investing your life's savings into something already risky, the thing what absolutely will stop you is vague rules, subject to bureaucratic interpretation. Elaine Lyttleton and Norm Case have illustrated the impact of the uncertainties in the ordinance, especially with the proposed changes. Would you spend your life savings starting a winery knowing that if you sell a wine glass ("other commercial activity") to a customer that wants a souvenir of an enjoyable visit, you could be shut down? Or, that if your granddaughter is playing her harmonica in the background, you are in violation of several ordinances? And, a whole host of other bear traps?

In summary, the Tiered Winery Ordinance was a superb effort which has created an emerging industry in San Diego and, especially, Ramona. Please help us build on that success, rather than discourage it.

I again recommend the Kerns/Moore and Lyttleton/Case letters. They outline real problems which will damage what has been, so far, a good start.

Sincerely



Richard P. McClellan, PhD  
Co-owner (with family) Highland Hills Winery.  
Past President, Ramona Valley Vineyard Association



CC:

- *Supervisor Dianne Jacob, San Diego County Board of Supervisors*
- *Heather Steven Lingelser, Land Use/Environmental Planner*
- *Ramona Chamber of Commerce*
- *Ramona Sentinel*

Todd A Palmer  
17577 Rancho De Carole Rd  
Ramona, CA 92065

March 16, 2015

Debra Frischer  
Planning and Development Services  
5510 Overland Ave, STE 110  
San Diego, CA 92123

RE: San Diego County Boutique Winery License

Our goal is to open a family operated boutique winery in Ramona, California. We live on a 1.5 acre lot zoned SR2/A70, and as such are eligible for the boutique winery license. There are already a handful of wineries in the vicinity, and we need the zoning commission to approve our request to operate a winery. We intend to make our wine from an agricultural product other than grapes; our wine will be made with honey. Mead is the accepted name for wine made from honey, and while not as well-known as grape wine, actually predates it as the first fermented beverage. Under the Internal Revenue Code of 1986 the TTB (Alcohol and Tobacco Tax and Trade Bureau) classifies mead as "agricultural wine", and we need the San Diego Zoning commission to agree with their definition and allow us to open and operate under the boutique winery license.

Under a boutique winery license, we would be required to produce 25 percent of the agricultural product—honey in our case—by owning and managing hives. We plan to, once the beekeeping regulations for San Diego County are updated as called for in the Agricultural Promotion Program POD 14-001 from the Board of Supervisors August 6, 2014 Planning Report, to keep hives on our own property. Until those updates are in effect, we will maintain our hives on my grandfather's larger acreage property also in Ramona, as well as working with local farms and orchards to build a cooperative agreement whereby our bees provide pollination of their crops, improving crop production, and producing the honey necessary to create our honey wine.

Ramona is a burgeoning wine region, and also benefits from the agricultural tourism that exists alongside the wineries. We believe that a meadery would not only diversify, but support Ramona's agro-tourism portfolio as mead is currently enjoying a resurgence within the local and craft beverage market. According to the American Mead Makers Association the mead industry has grown 130 percent since 2011.

On our property, where we plan to operate our winery, we are also planting fruit trees, grape vines, and other agricultural crops which we will use towards the production of seasonally specific honey wine. Without bees, agriculture will fail. Our intention is to create a hyper-local and seasonal product that benefits the entire agricultural region, through the management of pollinators. Our honey will be made from local flowers, and will showcase the unique flavor of our local Ramona honey.

We are confident that the Zoning commission will see the value our proposal holds for both the local agriculture in Ramona Valley and its wineries, and look forward to working with you in the development of our winery. We will follow up with you later this week to discuss our next steps to proceed with our winery plan.

Sincerely,

Todd Palmer  
619-852-4994  
mr.toddapalmer@gmail.com

## **D-3 Other Correspondence Received**

**Lingelser, Heather**

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**From:** S Elaine Lyttleton <lyttleton@sv-mail.com>  
**Sent:** Monday, March 02, 2015 10:22 AM  
**To:** Lingelser, Heather  
**Subject:** Boutique Winery question

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Heather,

One of our members asks the following question:

We have limited space on our immediate property, but have access to multiple properties in Ramona. I am trying to ascertain if a 25% requirement can be fulfilled by having the vines be "under our control", although not all on our personal property. For example, if we own our property and produce the wine and operate our tasting room from this property, but own and manage vines on another local property are we able to count that in our 25% requirement?

I know this issue came up several years ago, when someone's mother owned the property across the road, or next door to the winery/growing property. Since the daughter was on title to the property too, they were counting this as "theirs". Not sure how that was resolved. I would think there might be an "own the property" where the vines are grown, versus "lease the land and own and manage the vines" distinction?

Thank you for your clarification.

*Elaine*

**S. Elaine Lyttleton**  
**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:** S Elaine Lyttleton <lyttleton@sv-mail.com>  
**Sent:** Friday, March 06, 2015 3:04 PM  
**To:** Lingelser, Heather  
**Cc:** Farace, Joseph  
**Subject:** RE: Boutique Winery question

Bless you. Good thoughts. Have a good weekend!  
 Elaine

---

**From:** Lingelser, Heather [<mailto:Heather.Lingelser@sdcounty.ca.gov>]  
**Sent:** Friday, March 06, 2015 2:43 PM  
**To:** S Elaine Lyttleton  
**Cc:** Farace, Joseph  
**Subject:** RE: Boutique Winery question

Hi Elaine, my apologies for not responding earlier...it has been a very hectic week (but no excuse for my not replying).

Our Winery ordinance specifies the percentages of the fruit which must be grown "on the premises" for each type of winery and percentages which may be grown elsewhere within the County. The zoning ordinance defines premises as follows:

Premises: Any building, structure, place, lot or parcel of land or any number of contiguous lots or parcels of land, in the possession or control of any person or in the joint or common possession or control of more than one person.

Based on the ordinance definition, we would not include the fruit grown on another non-contiguous property to count toward the fruit grown "on the premises". That being said, this is something that we could review and clarify as part of the update. We will need to be mindful of ensuring that there is a good proportion of grape growing on a site if the owner would want wine production and a tasting room, so that the agriculture is still the primary use.

I will add this question/issue into the project for consideration in the update. Let me know if you have any other questions.

Have a good weekend.

Heather  
 Heather (Steven) Lingelser

☎ 858.495.5802 | 📠 858.467.9314

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**From:** S Elaine Lyttleton [<mailto:lyttleton@sv-mail.com>]  
**Sent:** Friday, March 06, 2015 1:45 PM  
**To:** Lingelser, Heather  
**Subject:** RE: Boutique Winery question  
**Importance:** High

Heather – Did you see this? Are you too busy to help? Who else should I speak to?  
 Thanks,  
 Elaine

**From:** S Elaine Lyttleton [<mailto:lyttleton@sv-mail.com>]  
**Sent:** Monday, March 02, 2015 10:22 AM  
**To:** Lingelser, Heather ([Heather.Lingelser@sdcounty.ca.gov](mailto:Heather.Lingelser@sdcounty.ca.gov))  
**Subject:** Boutique Winery question

Hi Heather,

One of our members asks the following question:

We have limited space on our immediate property, but have access to multiple properties in Ramona. I am trying to ascertain if a 25% requirement can be fulfilled by having the vines be "under our control", although not all on our personal property. For example, if we own our property and produce the wine and operate our tasting room from this property, but own and manage vines on another local property are we able to count that in our 25% requirement?

I know this issue came up several years ago, when someone's mother owned the property across the road, or next door to the winery/growing property. Since the daughter was on title to the property too, they were counting this as "theirs". Not sure how that was resolved. I would think there might be an "own the property" where the vines are grown, versus "lease the land and own and manage the vines" distinction?

Thank you for your clarification.

*Elaine*

**S. Elaine Lyttleton**  
**Hatfield Creek Vineyards & Winery**  
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[www.hatfieldcreekvineyards.com](http://www.hatfieldcreekvineyards.com)  
**1625 Highway 78**  
**Ramona CA 92065**  
**760-787-1102**





**Lingelser, Heather**

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**From:** Carolyn @ chuparosa VINEYARDS <carolyn@chuparosavineyards.com>  
**Sent:** Thursday, June 18, 2015 6:03 PM  
**To:** Lingelser, Heather; Farace, Joseph  
**Cc:** Johnson, Ryan  
**Subject:** Re: Food at wineries

**Categories:** Important

Hi, Heather:

Thanks for taking a few questions off of the table. Reading between the lines, I conclude that a food facility designation is not available to me as a boutique winery in the A-72 zoned area, and therefore I am limited to the service of crackers at my tasting room.

Ryan Johnson mentioned in April that he had heard that the State was considering the expansion of food (other than crackers) that a winery could serve without a food facility designation. It would be great if bread was added.

As for what might be available under an administrative use permit, or major use permit, I understand that there are several different food facility levels, but I've not been able to see a complete list – along with the detailed compliance and annual inspection requirements.

It looks like the current boutique winery food provision needs to be redrafted. It might be past the point of being self-deleting. Since no events are allowed at boutique wineries, there would be no occasion permitted to provide food service. Any amendment to the ordinance should reduce the section to the State limitations for tasting rooms. Without a use permit, it is simply a farm stand for the sale of products produced on the farm's property. That's all we ever asked for, wrote into, or evaluated for the boutique category – nothing more.

I'll be glad to work with you and the DEH (with my wine lawyer hat on) to re-draft the food service provisions for the boutique and small wineries. The hardest part of this is to realize that the current boutique ordinance section on food might be somewhat misleading – or wrong. We'll get over it.

Carolyn

---

Carolyn Harris  
 Chuparosa Vineyards  
 910 Gem Lane, Ramona CA 92065  
 (760)788-0059 / (619)884-5432 cell  
 carolyn@ChuparosaVineyards.com

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**From:** Lingelser, Heather  
**Sent:** Thursday, June 18, 2015 4:30 PM  
**To:** mailto:carolyn@chuparosavineyards.com ; Farace, Joseph  
**Cc:** Johnson, Ryan  
**Subject:** RE: Food at wineries

Hi Carolyn, you are correct that an Administrative Permit for a Small Winery could possibly allow a food facility designation in that they could be approved for various "events" which would provide meals, subject to DEH approval. The MUP for a Winery (which is allowed in A70, A72, RR, RRO, RC, S88 and S92 zones with a MUP, and in industrial zones by right) could also allow food facility uses as part of their permit.

You are also correct that state law limits tasting rooms to serving crackers only. Our ordinance, section 6910.b.7 states "the sale and consumption of pre-packaged food is allowed on the

### 3 - 215

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."

We are expecting to hear from Department of Environmental Health very soon regarding the existing health regulations. We are working to clarify the language in this section of the ordinance so that it is easily understood what is and is not allowed at the Boutique Wineries.

I will let you know as soon as the draft ordinance is available for review. I hope that you will be attending the Winery workshop on July 1. I look forward to seeing you.

Sincerely,  
Heather  
Heather Steven Lingelser

☎ 858.495.5802 | 📠 858.467.9314

---

**From:** Carolyn @ chuparosa VINEYARDS [mailto:carolyn@chuparosavineyards.com]  
**Sent:** Thursday, June 18, 2015 1:20 PM  
**To:** Lingelser, Heather; Farace, Joseph  
**Cc:** Johnson, Ryan  
**Subject:** Fw: Food at wineries

Hi, Heather and Joe:

I've made a few more follow-ups to this question below (whether a food facility designation and health permit is available in the A-70 or A-72 zone), and have not heard a reply yet.

Absent PDS clearance for the designation, I will conclude that an administrative use permit for a small winery or a major use permit for a winery would possibly allow a food facility designation of some type. Otherwise, food service at a boutique winery is limited to crackers.

Please let me know at your first opportunity if this is not the case, or if there is another department or person to whom this question should be directed.

Many thanks,

Carolyn

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Carolyn Harris  
Chuparosa Vineyards  
910 Gem Lane, Ramona CA 92065  
(760)788-0059 / (619)884-5432 cell  
[carolyn@ChuparosaVineyards.com](mailto:carolyn@ChuparosaVineyards.com)

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**From:** <mailto:carolyn@chuparosavineyards.com>  
**Sent:** Friday, May 08, 2015 12:37 PM  
**To:** Heather Lingelser  
**Cc:** Joe Farace ; Ryan Johnson  
**Subject:** Fw: Food at wineries

Hi, Heather:

As we discussed on the phone on 27 April, have you found out whether the operation of a food facility (requiring a health permit) is allowable in A-70 or A-72 zoned areas? If so, what is required from PDS (if anything) to get clearance for such an activity?

I'd like to offer freshly baked pre-packaged bread in my tasting room here at Chuparosa Vineyards, but, according to Ryan, I'll first need to get PDS approval to operate as a food facility, and then apply for an annual health permit administered by the DEH.

Thanks,

Carolyn

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Carolyn Harris  
Chuparosa Vineyards  
910 Gem Lane, Ramona CA 92065  
(760)788-0059 / (619)884-5432 cell  
[carolyn@ChuparosaVineyards.com](mailto:carolyn@ChuparosaVineyards.com)

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**From:** Carolyn Harris  
**Sent:** Monday, April 27, 2015 1:12 PM  
**To:** Ryan Johnson  
**Cc:** Joe Farace ; Heather Lingelser  
**Subject:** Food at wineries

Hi, Ryan:

Thanks so much for taking the time to investigate what it would take for me to provide bread I bake under a cottage food registration at my boutique winery tasting room. I'm still trying to find out more about what is required to get cleared as a "food facility" – but in the meantime, take a look at the attached document posted very recently on the DEH web site:  
[www.sandiegocounty.gov/content/dam/sdc/deh/fhd/food/pdf/brewerieswineriesfooddistribution\\_fp.pdf](http://www.sandiegocounty.gov/content/dam/sdc/deh/fhd/food/pdf/brewerieswineriesfooddistribution_fp.pdf)

Joe and Heather:

I met and have been working with Ryan Johnson across the sidewalk from you when I came in to get clearance to provide fresh baked bread in my tasting room.

We ran into two requirements:

(1) I must apply for a Class B cottage food license to take the bread from my home kitchen to the tasting room building because they are in separate structures [and/or entities <—Ryan?] (otherwise a Class A registration would be sufficient), and

(2) the tasting room must become certified as a "food facility", because the [California Retail Food Code section 113789\(c\)\(5\)](#) only exempts from **food facility requirements** "if no other beverage, except for bottles of wine and prepackaged nonpotentially hazardous beverages, is offered for sale for onsite consumption and no food, except for crackers, is served".

Needless to say, we need to talk about what the County has been allowing at many local Boutique Winery operations which are regularly advertising and serving hot meals, pizzas, salads, sliced cheeses and meats to walk-in paying members of the public. Others are out-clevering themselves by hosting "potlucks" – advertising and inviting the public to prepare and share food with the other visitors. No, you can't make this up.

Please give me a call on this, Joe.

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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**Lingelser, Heather**

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**From:** Eric Metz <winegrower@ymail.com>  
**Sent:** Wednesday, June 24, 2015 4:55 PM  
**To:** Lingelser, Heather  
**Subject:** Re: Tiered Winery Ordinance- Draft Ordinance Update

Dear Heather,

Thank you for this update.

The Tiered Winery Ordinance was enacted to foster the growth of the winegrape and wine industry. As such, and modifications to its wording must adhere to that objective lest they be found unacceptable. Because the winegrape and wine industry has not found commercial viability at this early point, the Tiered Winery Ordinance may be viewed as overly restrictive or its implementation by County Planning & Development Services has been overly burdensome.

As a large stakeholder in this industry, it is sincerely hoped that the County Supervisors are not alone in their interest to see this industry flourish.

Regards,

Eric Metz  
Lenora Winery  
Ramona, Ca.

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**From:** "Lingelser, Heather" <[Heather.Lingelser@sdcounty.ca.gov](mailto:Heather.Lingelser@sdcounty.ca.gov)>  
**To:** "Lingelser, Heather" <[Heather.Lingelser@sdcounty.ca.gov](mailto:Heather.Lingelser@sdcounty.ca.gov)>  
**Cc:** "Farace, Joseph" <[Joseph.Farace@sdcounty.ca.gov](mailto:Joseph.Farace@sdcounty.ca.gov)>  
**Sent:** Wednesday, June 24, 2015 3:31 PM  
**Subject:** Tiered Winery Ordinance- Draft Ordinance Update

Dear Tiered Winery Ordinance Stakeholder:

On June 8, 2015 we provided you a notice of an upcoming Tiered Winery Ordinance workshop scheduled for July 1, 2015 at the County Operations Center. As part of that notice we indicated that staff would have a copy of the draft proposed ordinance available for review by today, June 24.

Unfortunately, we are still working on formulating draft language for the ordinance and will be unable to get a copy of the ordinance out by the end of day. The draft proposed ordinance will be available prior to the July 1 workshop. We will notify and provide you the website link as soon as it is posted on the Planning & Development Services webpage.

We apologize for the delay and appreciate your patience. As always, please feel to contact me if you have any questions.

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



**Lingelser, Heather**

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**From:** Farace, Joseph  
**Sent:** Wednesday, July 08, 2015 7:27 AM  
**To:** Steve Laub  
**Cc:** Lingelser, Heather  
**Subject:** RE: Tiered Winery Ordinance- Draft Ordinance Update

See response below.

**Joseph Farace AICP**

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

---

**From:** Steve Laub [mailto:[slaub@landsolutionsinc.net](mailto:slaub@landsolutionsinc.net)]  
**Sent:** Tuesday, July 07, 2015 6:10 PM  
**To:** Lingelser, Heather  
**Cc:** Farace, Joseph  
**Subject:** RE: Tiered Winery Ordinance- Draft Ordinance Update

Hi Heather/Joe. I'm putting together a comparative matrix of the three tiers and ran across some language that I think is confusing. Can you interpret the following for me? The addition of the word "outdoor" leaves a blank spot, I think.

11. Outdoor Aamplified sound is not allowed. Non-amplified, live music may be allowed for the enjoyment of the patrons of the tasting area during the hours of operation in b.8, provided there is no advertisement or promotion that would constitute an event. pursuant to subsection b.6, and provided an Entertainment Establishment License has been issued pursuant to Section 21.2101 et seq. of the County Code.

My questions:

1. I take it that "outdoor amplified sound means live or recorded sound – no speakers on the patio. Correct? Is so, then this is stricter than what applies to any other property owner who may put a couple of speakers on their patio connected to the stereo (or itunes or Pandora or whatever it is called these days). That's correct. I believe this was a mitigation measure directly from the EIR prepared for the project.
2. I see that non-amplified live music is allowed, and if "outdoor amplified sound" means no live or canned music outdoors, that begs the question of indoor amplified sound. Allowed? Yes, the idea being that indoor amplified sound would be better mitigated since its outdoors. This change (to distinguish between outdoor and indoor sound was made recently as a compromise to allow people to have music on their site.

Here is how I read the language:

	Outdoor	Indoor
Amplified	No	???YES
Non-amplified	Yes	Yes



Thanks

Regards,  
**Steve Laub**  
*Land Solutions, Inc.*

619-644-3300

Follow me on Twitter: @SteveLaub

---

**From:** Lingelser, Heather [<mailto:Heather.Lingelser@sdcounty.ca.gov>]  
**Sent:** Wednesday, June 24, 2015 3:32 PM  
**To:** Lingelser, Heather  
**Cc:** Farace, Joseph  
**Subject:** Tiered Winery Ordinance- Draft Ordinance Update

Dear Tiered Winery Ordinance Stakeholder:

On June 8, 2015 we provided you a notice of an upcoming Tiered Winery Ordinance workshop scheduled for July 1, 2015 at the County Operations Center. As part of that notice we indicated that staff would have a copy of the draft proposed ordinance available for review by today, June 24.

Unfortunately, we are still working on formulating draft language for the ordinance and will be unable to get a copy of the ordinance out by the end of day. The draft proposed ordinance will be available prior to the July 1 workshop. We will notify and provide you the website link as soon as it is posted on the Planning & Development Services webpage. We apologize for the delay and appreciate your patience. As always, please feel to contact me if you have any questions.

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

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**Lingelser, Heather**

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**From:** Miriam Raftery <editor@eastcountymagazine.org>  
**Sent:** Tuesday, July 21, 2015 9:18 AM  
**To:** Lingelser, Heather  
**Subject:** wineries  
**Categories:** Important

Heather – Thank you. Two questions:

How many were found by the county to be actual violations, vs. just mistaken reports? (I'm told at least one winery was turned in for running a B&B with a house so small it would be impossible, ie a bogus complaint)

Second, even if you can't tell me actual names of the reporting parties, can you tell me if they were neighbors or from far away, or if they were competitors who also owned wineries? We're hearing it was the latter, and would like to confirm. Also ironically one of the most vocal opponents of the boutique wineries having even non-amplified music is, ironically, a big winery that does have one – and we learned he's had two noise complaints himself. This seems more and more like it may be a case of sour grapes.

Third, how many of the complaints originated from the same source? In other words were there 17 complaints from 17 people, or 17 from 2 people? Of the 10 since the ordinance in 2010, how many were from a single source? I don't see any reason why that data would be privileged, though I do understand the need for privacy of actual names and addresses.

On another note, we're told the cost of getting a major use permit has gone up from \$10,000 to \$25,000 20 years ago or so to as high as \$250,000 today with no guarantee that the applicant will even get the permit. Why is it so high? What is the justification? Why doesn't San Diego do like other wine regions do, and have the bar set low and affordable for wineries that want to do live music and offer hot food catered in (as virtually all the wineries I've seen in other regions seem to be able to do, just go there any weekend!).

Why does San Diego not have an economic development department like some other counties have? In places that do, these sorts of prohibitively high start up costs are typically waived or kept very low, with counties understanding that when wineries grow, they will bring in a lot of sales tax revenues and other forms of revenues for the county in the long run. But not if you make it nearly impossible for new wineries to start up or existing smaller wineries to grow and stay in business.

Have you ever travelled through the Napa Valley or even Temecula, particularly on a weekend? They virtually all have live music going on, a variety of other things, some have B&Bs or cheese shops or very large retail shops, there are activities, classes, grape stomps, private parties, nonprofit and public events.

Has the county looked very closely into the motivations of who complained and if not, why not? Are these wineries really bothering any neighbors or the public, or are you going through putting in all these prohibitive restrictions that could kill small/boutique wineries and all those who depend on them (musicians, caterers, artists who display works at events, nonprofits who hold events there, vendors who sell in the gift shops, etc.) just to appease a couple of long-time winery owners seeking to kill off their competitors?

Has the county surveyed the PUBLIC to see what they want to see at wineries? I guarantee you if I reached out to our nonprofit's very large list of donors, members and readers, since we've had winery events in the past and wine at other events not at wineries, they would tell you they want to see live music and good, hot catered food at events and they WANT to be able to go to events at wineries. Why don't you conduct a survey of the general public – maybe ask Sup. Jacob to publish a poll in her newsletter and us to run one in East County Magazine that everyone out here could vote on?

We are not entirely neutral here. **I would like the following comments entered separately into the comments, but don't have a link for that. Please also send me a link for the public to comment, so I can publish it on our website for our 150,000 readers to see.**

**COMMENTS FROM MIRIAM RAFTERY, FOUNDER, EAST COUNTY MAGAZINE AND EAST COUNTY WILDFIRE & EMERGENCY ALERTS, ON THE PROPOSED CHANGES TO THE TIERED WINERY ORDINANCE**

July 21, 2015

Our nonprofit media outlet has had winery events in the past both in the county (a private event) and in an incorporated city. We've done so before and after the ordinance and to the best of our knowledge did everything legally, much of which would now be illegal under the new rules and make it impossible for us to ever have a winery event again other than in a very small urban winery not in the county.

The money we raise is used for wildfire reporting and emergency alerts. Everyone wants to come to these events and support us, but we need help to have any events in the county again especially at wineries, our preferred venue due to the beautiful settings, rural areas close to those who care about wildfire alerts, and the gracious and welcoming attitudes of most winery owners and the people they work with such as musicians, caterers etc.

It was far easier in the urban winery where there were no hassles or restrictions. No insurance requirement. No permits needed. We could bring in wonderful caterers and restaurants to serve up hot food on site, have live music, and publicize this openly on our website, on flyers, on our radio show, etc. all of which we cannot do for any event in the county wineries.

Our problem as a nonprofit is we've outgrown the small size of the little urban winery which only has room for 40. We need places for 100 to 200 people for larger events and also private party venues for 50 or so. Our many readers love winery events and want us to have more but it's almost impossible. The only ones with major use permits currently are too far away for most readers to drive to and in some cases, their wine isn't as good compared to the high quality being produced at several of the newer boutique wineries closer in to the urban areas.

We also cancelled one event planned at a winery because the county rules proved prohibitive – including the high cost of insurance, the major hassles and in the end a prohibition on any live music. We learned the county expects indemnification for millions of dollars even for private events which would have cost \$600 through our insurance company and taken away all profits for the small benefit event. If the county is not being asked to provide any services, the county should not tell a private group how to conduct an event on private land, whether a private home or a winery. We would of course prefer to have public events, to get more people to our benefits, but even private ones have become prohibitive in the county – unlike in other cities that want nonprofits to come there. ( Also the county limit on four permits a year for nonprofits to hold events is too low. Why should there be any limit? We would be out of business tomorrow if we could not hold more events than that. This has

forced us to hold more frequent events at less desirable locations in El Cajon, La Mesa, and other locations where we don't have to contend with the endless and expensive costs in the county.)

The result of that is our organization is no longer holding events in the county, at least not public events and we're averse to even private ones due to all the headaches. So we are forced to look at less desirable venues that are either too small, don't allow alcohol, have hefty rental fees (wineries are willing to give free space to groups that will bring people in—where else can we find that?), and other limitations. For us the wineries seemed the ideal venues and our readers loved these events and want more, but it's virtually impossible to do even now and under the new rules it would be impossible – not only is there the indemnification cost that we can't afford unless we find a corporate event sponsor (exactly what as nonprofit media, we prefer not to do), but now you're cracking down on live music, not wanting hot food catered in, and even saying that "private" events are not allowed – meaning apparently that we couldn't even have a donor appreciation party or an event limited only to our members, not the general public. As Alice in Wonderland would say, "Curiouser and curiouser!"

Our readers/supporters/donors for our nonprofit want good food, good wine, and good music. You're not even allowing catering at wineries is a bad decision that seems not based in reality. I can understand not wanting potlucks or unlicensed food preparers, but caterers already have gone through training and know how to prepare food safely.

As for the seeming ban on private events, that seems like it violates the rights of private property owners too. I interviewed a grandma who owns a winery in Ramona; she is planning her daughter's wedding and says she is prepared to go to jail as a test case, as she believes everyone should have a right to have a private party for family and friends. Do you really want that photo on the front pages of newspapers across America?

As for us, we rely on donated music and food at our events. No musician, restaurant or caterer will do that if we can't publicize their generous donation. What earthly reason can there be for not allowing food prepared by professional caterers? Or banning the publicizing of names of musicians playing, whether its just background for winetasting on weekends, or at events? What "good" is being accomplished by driving away customers for wineries and revenues for the county, also hurting groups that want to hold events at wineries?

I've talked with many major nonprofit organizations and they are all very upset about the county's proposed rules too. The nonprofit leaders I've talked with all want to see the county relax regulations to make it easier to hold events at wineries—not harder. By events, I mean both public and private, with the ability to have hot catered food by licensed caterers or restaurants, with live music. They all want to see the indemnification requirement eliminated especially for events on private property, though I can understand why the county would need indemnification for an event on public property such as a park. Again, the high insurance cost is killing nonprofits here too, not just wineries, and that's separate from the winery issue but is another example of how the county is too aggressive in its regulations and is harming nonprofits along with businesses and the economy. If we can bring 100 people a few times a year up to wineries to spend money that the county gets back in sales tax revenues, and other nonprofits do the same, why would you want to drive us all away?

On noise, a better choice to look at is a decibel level. I am sympathetic to neighbors and have myself called the sheriff when neighbors had very loud music from a teen's rock band practicing repeatedly. The existing ordinance solved that issue, as it would for any winery neighbors who might have a real reason to complain. But if there are no complaints and/or if a winery is within reasonable decibel limits especially on weekend afternoons then why restrict them just because of one or two that are too noisy? Go after the violators, not all wineries. In the case of our noise issues, simply asking the neighbors to



turn down their volume solved the problem (in our case, a teen rock band practicing in a garage who wouldn't pipe down when we had asked directly. The sheriff visit solved the issue, and they did not have to give up their music, just keep the volume reasonable.) – and eating obviously improves highway safety too, as it delays people getting back on the road after tastings. I am told that alcohol related DUI arrests have NOT gone up despite many wineries adding tasting rooms, but still precautions should be taken especially on Highway 94 and in the Warner Springs area where there are not even restaurants nearby for people to stop at and eat. Even in Ramona, some wineries are in very remote areas with winding roads; better for people to eat first before driving, obviously.

Are you aware that El Cajon is now actively courting wineries to move out of the county and into El Cajon, offering to waive all the restrictions the county is throwing up in their path? No doubt other local cities will soon do the same as word gets around about these restrictions. La Mesa recently attracted its first urban winery. I am sure you'll soon see Santee and Lemon Grove doing the same, and probably some of the north county cities and places like Poway as well if they have not already done so. This is a big business, potentially as big as Napa or more so, and the county is killing the goose that could lay those golden eggs. Our nonprofit also recently moved our headquarters for our media to El Cajon, to get away from the Draconian County restrictions, too. Watch for the exodus as others follow suit.

La Mesa's winery has events several nights a week and every weekend, with their back tasting room also serving as a great place for community events, classes such as how to paint wine glasses or make cork wreaths, groups such as nonprofits meet there, people hold private parties there for birthdays, political clubs have met there, you name it. They have discreet live music that you can't hear next door. They display art by local artists, helping artists too. They sell products from T-shirts to Christmas ornaments to bottle openers. They bring in food from a restaurant next door, and have caterers serve at their events too. they not only have a tasting room but even moved their entire winery from SD into La Mesa, producing wine in an urban warehouse. This is something other wineries will be forced to do if they want to grow, due to the county's restrictions on size of facilities (which are also unreasonable) and all the event limitations you are looking at imposing.

Finally I would like to suggest that the county conduct a survey of the thousands of stakeholders who have NOT been asked their opinions on this, the public! I am certain if you were to survey our 150,000 readers and the public at large, you would find the vast majority don't want to go to a winery that only serves crackers and has no music or events. They want to enjoy live music and great food, in a beautiful ambience, with outdoor patios and indoor options. Most of the wineries have an abundance of parking on site, and are gracious and warm to work with.

Please help them to grow, and help nonprofits to flourish too. Limit regulations only to those needed to protect public safety and rights of immediate neighbors – ie, if there are dangerous building code violations or someone having a rock band that disturbs neighbors, enforce the rules and require corrective action. If wineries are safe and simply offering wonderful positive experiences for their visitors, the county should embrace that and encourage agri-tourism, not throw the equivalent of weedkiller on it.

Thank you for your consideration of these very serious concerns.

Miriam Raftery, Founder

[www.EastCountyMagazine.org](http://www.EastCountyMagazine.org), a nonprofit award-winning publication of the Heartland Coalition, a 501c3

**From:** Lingelser, Heather [mailto:Heather.Lingelser@sdcounty.ca.gov]

**Sent:** Monday, July 20, 2015 4:09 PM

**To:** editor@eastcountymagazine.org

**Cc:** Spurgin, Andrew; Westling, Clay; Elias, Pam; Conaughton, Gig; McGee, Conor; Farace, Joseph

**Subject:** RE: MEDIA INQUIRY: Miriam Raftery, ECM

Good afternoon Ms. Raftery, in the last 3 years, Planning & Development Services Code Compliance Division has received 5 formal complaints against wineries.

Since 2000 there have been 17 formal complaints filed regarding winery issues in the unincorporated areas of the County. Ten were received since the August 2010 adoption of the Tiered Winery Ordinance. The complaints have been related to building code violations, violations of a Major Use Permit, special events, operation of a tasting room and sourcing of grapes.

Planning & Development Services will not release the identity of the reporting parties. This information is exempt from PRA requests pursuant to Sections 1040 and 1041 of the State Evidence Code.

Please feel free to contact me if I can be of further assistance.

Sincerely,

Heather Steven Lingelser  
Land Use/Environmental Planner  
Public Records Act Request Coordinator  
Policy and Ordinance Development  
**Planning & Development Services**  
**5510 Overland Avenue, Suite 310**  
**San Diego, CA 92123**

☎ 858.495.5802 | 📠 858.467.9314



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**Lingelser, Heather**

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**From:** Teri <ramonaranch@yahoo.com>  
**Sent:** Tuesday, September 22, 2015 11:29 AM  
**To:** Farace, Joseph  
**Cc:** ramonaranch@gmail.com; Lingelser, Heather  
**Subject:** Re: San Diego County Winery Ordinance Hearing - 7/1/15

Thanks Joe, I appreciate your timely and professional response and look forward to our continued collaboration. Have a great day.

Thanks, Teri  
 Ramon Ranch Winery

On Sep 22, 2015, at 10:37 AM, Farace, Joseph <[Joseph.Farace@sdcounty.ca.gov](mailto:Joseph.Farace@sdcounty.ca.gov)> wrote:

Hi Teri – hope you're doing well. Please see my responses below. Thanks

**Joseph Farace AICP**

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

## -----Original Message-----

**From:** Teri Kerns [<mailto:ramonaranch@yahoo.com>]  
**Sent:** Monday, September 21, 2015 5:06 PM  
**To:** Farace, Joseph  
**Cc:** Micole RanchEmail  
**Subject:** San Diego County Winery Ordinance Hearing - 7/1/15

Hello Joe,

I was looking for the copy of the winery ordinance hearing back in July and am unable to locate it on the County's website - I did find the original hearing, but not the most recent one. Would you mind sending me over a link to the video tape of the hearing or to where I can access it on-line? I'm assuming you're referring to the July 1 work shop. Here's the link:

<http://www.avcaptureall.com/Sessions.aspx#session.f974a59a-4afc-483b-9b1f-03f2c911938f>

Additionally, can you clarify for me that under the current ordinance boutique wineries are allowed to have live acoustic music? That is my understanding, but there is some confusion. Yes you can have live acoustic music but no amplification. You should also make sure that you've secured any required entertainment licenses through the Sheriff's Department.

Do you have a tentative date of when the proposed draft ordinance may be released? We have no tentative date other than that we anticipate that an ordinance will be available for a formal 45-day public review soon. As one of the stakeholders, we'd really appreciate an advance opportunity to review prior to it going to public comment so we can offer an operational point of view. As you're aware there are a large number of individuals interested in the winery ordinance revisions. If I provide you an advance copy I'm obligated to also provide advance copies to all stakeholders. The ordinance will be available to everyone at the same time at which time written comments on the ordinance can be provided to the County. All comments and staff response to comments will be available at upcoming public hearings for

the public and decision makers to review and consider. I am copying Micole, co-owner, Ramona Ranch Winery and president of the Ramona Valley Vineyard Association (RVVA).

Thanks in advance,  
Teri 619-925-5008 (Cell)  
Ramona Ranch Vineyard & Winery

**Lingelser, Heather**

---

**From:** Steve Laub <slaub@landsolutionsinc.net>  
**Sent:** Tuesday, November 17, 2015 1:47 PM  
**To:** Lingelser, Heather  
**Cc:** Farace, Joseph  
**Subject:** RE: Boutique Winery questions

Thanks. I think that covers all of my questions. If I have follow-up questions I will let you know. But your replies are thorough and I think I am clear now.

Regards,  
*Steve Laub*  
*Land Solutions, Inc.*

619-644-3300

Follow me on Twitter: @SteveLaub

---

**From:** Lingelser, Heather [mailto:Heather.Lingelser@sdcounty.ca.gov]  
**Sent:** Tuesday, November 17, 2015 1:26 PM  
**To:** slaub@landsolutionsinc.net  
**Cc:** Farace, Joseph  
**Subject:** FW: Boutique Winery questions

Steve, please see the responses to your questions below in red.

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

858.495.5802



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**From:** Steve Laub [mailto:slaub@landsolutionsinc.net]  
**Sent:** Thursday, November 12, 2015 2:21 PM  
**To:** Lingelser, Heather  
**Cc:** Farace, Joseph  
**Subject:** Boutique Winery questions

Heather & Joe – I have a couple of questions about the draft TWO. Can you answer:

1. Is the allowed area for a Production Facility (paragraph b.4.) in excess of 4 acres calculated as 200 additional sq. ft. per whole additional acre, or is it prorated? For example, would a 5.5-acre lot size be allowed 2,200 s.f. or 2,300? It is calculated by whole acres. For example, if you have 5.9 acres you would be allowed 2,200 s.f., at 6.0 acres you would be allowed 2,300 s.f.
2. Is the area allowed for Boutique Winery tasting/retail sales (paragraph b.5.) counted as extra to the area for a Production Facility or as part of it? The tasting area is in addition to the production area. This is being clarified in the amendment. Because the description of Production Facility in b.4. does not include tasting/retail sales I

presume that tasting/sales would be in addition. Can you confirm? This question might better be broken down into a couple of examples:

- a. If there is a 2,000 s.f. Production Facility used only as described in para b.4., would the winery then be allowed a tasting patio of an additional 600 s.f.? A 2,000 s.f. production facility is allowed a total of 600 s.f. of tasting room/tasting area/retail sales area. If they were in the same structure, that would be a 2,600 s.f. structure
  - b. If there is a barn of 2,500 s.f., 1,500 s.f. of which is used as Production Facility and 500 s.f. as tasting/sales, would the winery be in compliance and allowed to add a 100 s.f. tasting patio? No, a 1,500 s.f. production facility would be allowed a total of 450 s.f. of tasting room/tasting area/retail sales area (indoor and outdoor). They all count within the allowed 30% calculation of the production area. This is being clarified in the amendment. We would allow a portion of an existing barn to be permitted as a winery production facility (commercial building standards), and the remaining square footage (the remaining 550 s.f. in the example) could be used as the barn was originally permitted. We would likely require some type of structural separation, such as a solid wall between the areas with no internal access.
3. Under what conditions does an outdoor patio require a permit?
- a. Poured concrete? Building permits do not apply to concrete at grade, however, if the area is used for wine tasting and is near the winery building, this may require that a permanent commercial restroom be constructed. Also, all winery areas and parking areas must comply with ADA accessibility requirements
  - b. Wood deck? Typically a permit is required if the deck surface is 30 inches or more off of the ground. However, a deck used for a commercial use such as a wine tasting area would need to be constructed to code and be structurally able to support the loads.
  - c. Other non-concrete surfaces like decomposed granite, bare earth, non-structural wooden timbers or concrete/brick pavers laid on the ground? See a. above. Also, surfaces must meet accessibility requirements for ADA compliance
  - d. Does a shade cover require a permit? A wooden trellis? For use as part of the winery operations, a permit is required for all shade covers, wooden trellis, patio covers, etc. regardless of size. The building code only exempts certain residential patio covers.

(11/13/15) one more addition to the question about the Production Facility: Does it count only the area within a structure? Many wineries have an area outside their barn where they unload grapes ("receiving?"), crush (included in para b.4. under the description of "production facility"), and de-stem. Usually on an asphalt or concrete pad. But b.4. seems to describe (if not define) the production area as "non-residential structure(s)". All production must be done within the production facility. The ordinance and adopted EIR do not allow for outdoor activities related to the processing of grapes and making of wine.

I am unclear on whether this counts toward the floor area of production facility since it is not a structure but is used for crushing, receiving, and other winemaking processes. Can you clarify? "Crushing, receiving and other winemaking processes" are not allowed outdoor as part of a Boutique Winery.

Thank you for helping me clarify these answers.

Regards,  
**Steve Laub**  
*Land Solutions, Inc.*

619-644-3300

Follow me on Twitter: @SteveLaub

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**From:** Lingelser, Heather [<mailto:Heather.Lingelser@sdcountry.ca.gov>]

**Sent:** Friday, October 09, 2015 1:32 PM

**To:** Lingelser, Heather

**Cc:** Farace, Joseph

**Subject:** PUBLIC REVIEW- Draft Winery Ordinance Amendment

**MARK WARDLAW**  
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**DARREN GRETHER**  
ASSISTANT DIRECTOR  
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Date: October 9, 2015

To: Interested Parties

From: Joseph Farace, Group Program Manager, Advance Planning Division

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

On August 4, 2010, the Board of Supervisors approved Zoning Ordinance Amendments to establish a Tiered Winery Ordinance. A primary component of the ordinance was the creation of a Boutique Winery tier, which allowed for tasting rooms in conjunction with ongoing agricultural vineyard operations. Since its adoption, a number of issues have arisen that affect the adequate implementation of the ordinance.

Planning & Development Services (PDS) held workshops on January 17, 2014 and July 1, 2015 in order to gather information and comments to utilize in formulating the proposed amendments to the Tiered Winery Ordinance.

PDS has prepared draft Ordinance amendments in order to resolve discrepancies with existing ordinance language. These amendments would not change the purpose or intent of the Ordinance, but have been proposed to eliminate any ambiguity in the requirements for different winery types and to strengthen the County's ability to document compliance with the Ordinance.

Attached is a revised draft ordinance in "strikeout/underline" format. This document is also available on the PDS website at [http://www.sandiegocounty.gov/content/sdc/pds/Public\\_Review\\_Non-CEQA.html](http://www.sandiegocounty.gov/content/sdc/pds/Public_Review_Non-CEQA.html) \*\*\*The Planning & Development Services Web pages will be updated by the close of business October 9, 2015\*\*\*

Written (or email) comments on the proposed draft ordinance must be received no later than **Monday, November 23, 2015 at 4:00 p.m.** (a 45 day public review period). For additional information, please contact Heather Lingelser at (858) 495-5802 or by e-mail at [heather.lingelser@sdcounty.ca.gov](mailto:heather.lingelser@sdcounty.ca.gov).

To view the documents associated with the adoption of the Tiered Winery Ordinance, go to <http://www.sandiegocounty.gov/content/sdc/pds/advance/Winery.html>

Heather Steven Lingelser  
Land Use/Environmental Planner  
Planning & Development Services  
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San Diego, CA 92123

☎ 858.495.5802

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Lingelser, Heather

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**From:** Andy Harris <andy@chuparosavineyards.com>  
**Sent:** Wednesday, December 16, 2015 10:04 AM  
**To:** Farace, Joseph; Lingelser, Heather  
**Subject:** List of County 02 licenses  
**Attachments:** SD County Wineries by 02 License data Dec 15, 2015.xlsx

Joe/Heather,

At the meeting Monday evening you mentioned the difficulty in getting a current list of boutique wineries in SD County. This is indeed a problem because as a by right activity new openings don't have to be filed with anyone in the County.

Attached is a list that is current as of 12/14/15 of every 02 license in SD County. This data is separated out by County Zip Code (181 Zip Codes). Where information was available, the type of winery (boutique, Urban City Permit, etc) was also identified.

The only other way to finish this list and define the number of boutique wineries is to work the other way, through the County Admin Permit and MUP listings to eliminate all those wineries in the spreadsheet that are Urban, MUP, or AUP.

The file format of County records available to the general public through the public website access port isn't exactly conducive to this exercise.

If you have better access to the MUP and AuP records you could probably finish the sort to arrive at the number of Boutique wineries. Then it's a pretty easy step to pull the COLA's for each winery to determine who is making wine and who is importing bulk wine (Lots of it) from Central inland California bulk wine producers.

Hopefully the list will prove helpful.

Andy Harris  
Chuparosa Vineyards



	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Address	Business Name	Mailing Address	Geo Code	Zip Code Area	Winery Type
1	<u>451301</u>	ACTIVE	2	7/2/2007	6/30/2016	KELLIO, WAYNE 3674 EMMANUEL WAY ALPINE, CA 91901-3499  Census Tract: 0213.02	CARVEACRE VINEYARD	PO BOX 91 ALPINE, CA 91903-0091	3700	91901 Alpine	
2	<u>464915</u>	ACTIVE	2	6/6/2008	6/30/2016	PETERSEN, TIMOTHY LEE 3355 EMMANUEL WAY ALPINE, CA 91901-3494  Census Tract: 0213.02	ROCK CANYON VINEYARDS		3700		
3	<u>447438</u>	ACTIVE	2	5/21/2007	6/30/2016	THOMAS, MERTON ALFRED JR HIGHWAY 94 & FOREST GATE CAMPO, CA 91906  Census Tract: 0211.00	GLORIOSA VINEYARDS	PO BOX 427 PINE VALLEY, CA 91962-0427	3700	91906 Campo	
4	<u>524219</u>	ACTIVE	2	9/26/2012	6/30/2016	CAMPO CREEK VINEYARDS LLC 29556 HIGHWAY 94 CAMPO, CA 91906  Census Tract: 0211.00	CAMPO CREEK VINEYARDS LLC	PO BOX 399 CAMPO, CA 91906	3700	91906 Campo	
5	<u>553550</u>	ACTIVE	2	8/18/2015	6/30/2016	WESTFALL, DONNA MARIE 1910 BUCKMAN SPRINGS RD CAMPO, CA 91906-2010  Census Tract: 0211.00	WESTFALL WINERY	4548 PESCADERO AVE SAN DIEGO, CA 92107	3700	91906 Campo	
6	<u>538227</u>	ACTIVE	2	12/30/2011	6/30/2016	DULZURA VINEYARD AND WINERY 17323 HIGHWAY 94 DULZURA, CA 91917  Census Tract: 0213.02	DULZURA VINEYARD AND WINERY		3700	91917 Dulzura	
7	<u>502007</u>	ACTIVE	2	12/23/2011	6/30/2016	J PILAR WINERY INC 3113 CALLE ALLEJANDRO JAMUL, CA 91935-3108  Census Tract: 0213.04	J PILAR WINERY		3700	91935 Jamul	
8	<u>533776</u>	ACTIVE	2	9/25/2013	6/30/2016	GRANITE LION CELLARS LLC 15201 PRESILLA DR, B JAMUL, CA 91935-4033  Census Tract: 0123.04		10450 S EASTERN AVE, STE 100 HENDERSON, NV 89052-3957	3700	91935 Jamul	
9	<u>535142</u>	ACTIVE	2	9/3/2013	6/30/2016	SPANISH PEACOCK WINERY INC 16987 LYONS VALLEY RD JAMUL, CA 91935  Census Tract: 0213.02	SPANISH PEACOCK WINERY INC		3700	91935 Jamul	Boutique
10	<u>545402</u>	ACTIVE	2	8/11/2014	6/30/2016	COLLIS, DIANNE LYNNE 2516 HONEY SPRINGS RD JAMUL, CA 91935-5006  Census Tract: 0213.02	DEERHORN VALLEY VINEYARD		3700	91935 Jamul	
11	<u>482936</u>	ACTIVE	2	11/17/2006	6/30/2016	TOAST OF THE TOWN INC	SAN PASQUAL WINERY		3707	91942 Urban	

						8364 LA MESA BLVD LA MESA, CA 91942-9218				La Mesa	City Permit
						Census Tract: 0149.02					
12	<u>531612</u>	ACTIVE	2	6/12/2013	6/30/2016	TOAST OF THE TOWN INC 8140 CENTER ST LA MESA, CA 91942-2914	SAN PASQUAL WINERY	8364 LA MESA BLVD LA MESA, CA 91942-9218	3707	91942 La Mesa	Urban City Permit
						Census Tract: 0148.03					
13	<u>554946</u>	ACTIVE	2	9/25/2015	6/30/2016	CORTE MADERA VINEYARDS 7473 CORTE MADERA RD PINE VALLEY, CA 91962	CORTE MADERA VINEYARDS	7969 ENGINEER RD, STE 108 SAN DIEGO, CA 92111	3700	91962 Pine Valley	
						Census Tract: 0209.02					
14	<u>534337</u>	ACTIVE	2	12/2/2013	6/30/2016	MYRTLE CREEK VINEYARDS 7263 VIA MARIPOSA SUR BONSALL, CA 92003	MYRTLE CREEK VINEYARDS	1600 VIA VISTA FALLBROOK, CA 92028-3742	3700	92003 Bonsall	
						Census Tract: 0188.03					
15	<u>316923</u>	ACTIVE	2	4/24/1996	6/30/2016	WITCH CREEK WINERY 2906 CARLSBAD BLVD CARLSBAD, CA 92008	WITCH CREEK WINERY		3701	92008 Carlsbad	Urban City Permit
						Census Tract: 0180.00					
16	<u>510215</u>	ACTIVE	2	6/3/2011	6/30/2016	FORGOTTEN BARREL, LLC 2333 STATE ST, STE 200 CARLSBAD, CA 92008-1691	KNOTTY WINE		3701	92008 Carlsbad	
						Census Tract: 0179.00					
17	<u>529562</u>	ACTIVE	2	9/3/2013	6/30/2016	LITTLE OAKS WINERY LLC 1945 CAMINO VIDA ROBLE, ST CARLSBAD, CA 92008-6529	LITTLE OAKS WINERY		3701	92008 Carlsbad	
						Census Tract: 0221.00					
18	<u>548164</u>	ACTIVE	2	1/22/2015	6/30/2016	PEARSON BROTHERS WINERY 7123 DEHESA RD EL CAJON, CA 92019-1701	PEARSON BROTHERS WINERY		3700	92019 El Cajon	
						Census Tract: 0212.04					
19	<u>289578</u>	ACTIVE	2	2/11/1994	6/30/2016	ORFILA VINEYARDS INC 13455 SAN PASQUAL RD SAN DIEGO, CA 92025	ORFILA VINEYARDS	13455 SAN PASQUAL RD ESCONDIDO, CA 92025	3710	92025 Escondido	SD. City Regs.
						Census Tract: 0207.10					
20	<u>388344</u>	ACTIVE	2	9/18/2002	6/30/2016	CORDIANO, GERARDO 15732 HIGHLAND VALLEY RD ESCONDIDO, CA 92025	CORDIANO WINERY		3700	92025 Escondido	Major Use Permit
						Census Tract: 0207.10					
21	<u>513195</u>	ACTIVE	2	10/6/2011	6/30/2016	ALTIPIANO VINEYARD AND W 20365 CAMINO DEL AGUILA ESCONDIDO, CA 92025-3504	ALTIPIANO VINEYARD AND W		3700	92025 Escondido	Boutique
						Census Tract: 0170.20					
22	<u>516682</u>	ACTIVE	2	4/16/2012	6/30/2016	ESPINOSA, NOELLE AARDEMA	ESPINOSA VINEYARD		3700	92025	Boutique

						15360 BANDY CANYON RD ESCONDIDO, CA 92025-2409				Escondido	
						Census Tract: 0207.10					
23	<u>532040</u>	ACTIVE	2	2/12/2015	6/30/2016	EMBLY, EDWARD ELVIN 3255 SUMMIT DR ESCONDIDO, CA 92025-7550	HUNGRY HAWK VINEYARDS &		3700	92025 Escondido	
						Census Tract: 0207.06					
24	<u>534023</u>	ACTIVE	2	10/21/201	6/30/2016	COLE, THOMAS ALAN 14196 SUMMIT CREST ESCONDIDO, CA 92025-7553	ERALTO VINEYARD		3700	92025 Escondido	
						Census Tract: 0207.06					
25	<u>535984</u>	ACTIVE	2	12/9/2014	6/30/2016	ARTIFACT VINEYARD AND WI 15404 HIGHLAND VALLEY RD ESCONDIDO, CA 92025-3529	ARTIFACT VINEYARD AND WI		3700	92025 Escondido	Boutique
						Census Tract: 0207.10					
26	<u>551361</u>	ACTIVE	2	8/24/2015	6/30/2016	ZXQ ENTERPRISES, LLC 15454 HIGHLANDS CREST WAY ESCONDIDO, CA 92025-3503	ZXQ VINEYARDS		3700	92025 Escondido	
						Census Tract: 0170.20					
27	<u>551530</u>	ACTIVE	2	9/24/2015	6/30/2016	OLD SURVEY VINEYARDS, INC 16850 OLD SURVEY RD ESCONDIDO, CA 92025-3601	OLD SURVEY VINEYARDS		3700	92025 Escondido	
						Census Tract: 0208.01					
28	<u>561709</u>	ACTIVE	2	12/4/2015	6/30/2016	HIGHLAND VALLEY VENTURE 15412 BANDY CANYON RD ESCONDIDO, CA 92025-2411	HIGHLAND VALLEY VINEYARD	17020 ROBLE WAY SAN DIEGO, CA 92128	3700	92025 Escondido	
						Census Tract: 0207.10					
29	<u>331232</u>	ACTIVE	2	3/25/1998	6/30/2016	DEER PARK ESCONDIDO LLC 29013 CHAMPAGNE BLVD, BLD ESCONDIDO, CA 92026	DEER PARK ESCONDIDO		3700	92026 Escondido	
						Census Tract: 0191.05					
30	<u>331239</u>	ACTIVE	2	3/25/1998	6/30/2016	DEER PARK ESCONDIDO LLC 29013 CHAMPAGNE BLVD RM ESCONDIDO, CA 92026	DEER PARK ESCONDIDO	29013 CHAMPAGNE BLVD ESCONDIDO, CA 92026	3700	92026 Escondido	
						Census Tract: 0191.05					
31	<u>467156</u>	ACTIVE	2	4/17/2009	6/30/2016	JEFFREY A LAZENBY INC 26312 MESA ROCK RD ESCONDIDO, CA 92026-7842	BELLE MARIE WINERY		3700	92026 Escondido	
						Census Tract: 0203.04					
32	<u>503340</u>	ACTIVE	2	12/21/201	6/30/2016	ALLIANCE INTERNATIONAL TI 9709 CANYON COUNTRY LN ESCONDIDO, CA 92026-6123	BLUE MERLE WINERY		3700	92026 Escondido	
						Census Tract: 0191.05					
33	<u>506656</u>	ACTIVE	2	3/9/2011	6/30/2016	COYOTE OAKS VINEYARDS LI	COYOTE OAKS VINEYARDS		3700	92026	

						9843 OAK RIDGE RD ESCONDIDO, CA 92026-6131				Escondido	
						Census Tract: 0191.05					
34	<u>521809</u>	ACTIVE	2	7/20/2012	6/30/2016	COYOTE OAKS VINEYARDS LLC 26312 MESA ROCK RD ESCONDIDO, CA 92026-7842	COYOTE OAKS VINEYARDS	9843 OAK RIDGE RD ESCONDIDO, CA 92026-6131	3700	92026	
						Census Tract: 0203.04				Escondido	
35	<u>535570</u>	ACTIVE	2	12/8/2014	6/30/2016	REIDY CREEK VINEYARD AND 27118 N BROADWAY ESCONDIDO, CA 92026-8319	REIDY CREEK VINEYARD AND		3700	92026	
						Census Tract: 0201.03				Escondido	
36	<u>359798</u>	ACTIVE	2	1/27/2000	6/30/2016	PREMIUM VINTNERS LLC 2554 VIA RANCHEROS FALLBROOK, CA 92028	FALLBROOK WINERY	10620 TREENA ST #100 SAN DIEGO, CA 92131	3700	92028	Major Use Permit
						Census Tract: 0188.02				Fallbrook	
37	<u>448439</u>	ACTIVE	2	4/23/2007	6/30/2016	ORIZA, LESLIE BARRY 158 CALLE LINDA FALLBROOK, CA 92028-9425	ORIZABA WINERY		3700	92028	
						Census Tract: 0188.02				Fallbrook	
38	<u>448585</u>	ACTIVE	2	4/23/2007	6/30/2016	ORIZA, LESLIE BARRY 158 CALLE LINDA, STE B FALLBROOK, CA 92028-9425	ORIZABA WINERY	158 CALLE LINDA FALLBROOK, CA 92028-9425	3700	92028	
						Census Tract: 0188.02				Fallbrook	
39	<u>503486</u>	ACTIVE	2	12/15/2011	6/30/2016	BRADY, JAMES HAROLD 4233 ROSA RANCHO LN FALLBROOK, CA 92028-8380	ROADRUNNER RIDGE WINERY		3700	92028	
						Census Tract: 0190.01				Fallbrook	
40	<u>505249</u>	ACTIVE	2	1/13/2011	6/30/2016	CASA TIENE VISTA VINEYARD 4150 ROCK MOUNTAIN ROAD FALLBROOK, CA 92028-9751	CTV VINEYARD		3709	92028	
						Census Tract: 0190.01				Fallbrook	
41	<u>506649</u>	ACTIVE	2	3/1/2011	6/30/2016	BEACH HOUSE WINERY INC 1534 SLEEPING INDIAN RD OCEANSIDE, CA 92028-9237	BEACH HOUSE WINERY, RIVER	1534 SLEEPING INDIAN RD FALLBROOK, CA 92028-9237	3709	92028	City Regs.
						Census Tract: 0186.11				Fallbrook	
42	<u>514877</u>	ACTIVE	2	2/27/2012	6/30/2016	FLOWERS, MARCIA ELAINE 190 RED MOUNTAIN LN FALLBROOK, CA 92028-7700	TOASTED OAK VINEYARDS AND	1244 AVES LANE FALLBROOK, CA 92028-3018	3709	92028	
						Census Tract: 0190.01				Fallbrook	
43	<u>517132</u>	ACTIVE	2	1/12/2012	6/30/2016	CARSON, TOM BOURNE 1924 E MISSION RD FALLBROOK, CA 92028-1836	VINEYARD AT 1924 THE	921 W 18TH ST COSTA MESA, CA 92627-4541	3700	92028	
						Census Tract: 0190.01				Fallbrook	
44	<u>532871</u>	ACTIVE	2	8/22/2013	6/30/2016	SBLENDORIO WINERY LLC	SBLENDORIO WINERY		3700	92028	

						38973 DE LUZ RD FALLBROOK, CA 92028-9181				Fallbrook	
						Census Tract: 0190.01					
45	<u>533269</u>	ACTIVE	2	7/24/2013	6/30/2016	R L TRILLIUM LLC 2175 TECALOTE DR FALLBROOK, CA 92028	IACOBELLI WINERIES	5647 SASHABAW RD CLARKSTON, MI 48346-3149	3700	92028	Fallbrook
						Census Tract: 0188.02					
46	<u>534342</u>	ACTIVE	2	12/2/2013	6/30/2016	MYRTLE CREEK VINEYARDS I 2940 RECHE RD FALLBROOK, CA 92028-3727	MYRTLE CREEK VINEYARDS I	1600 VIA VISTA FALLBROOK, CA 92028-3742	3700	92028	Fallbrook
						Census Tract: 0190.01					
47	<u>532688</u>	ACTIVE	2	8/21/2013	6/30/2016	ZINFANDEL CONCEPTS INC 2225 BARHAM DR, STE D ESCONDIDO, CA 92029-1035	BK CELLARS		3705	92029	Escondido
						Census Tract: 0203.06					
48	<u>533676</u>	ACTIVE	2	9/3/2013	6/30/2016	STEHLER VINEYARDS, INC 298 ENTERPRISE ST, STE D ESCONDIDO, CA 92029-1251		PO BOX 442 VALLEY CENTER, CA 92082-0442	3705	92029	Escondido
						Census Tract: 0203.07					
49	<u>534376</u>	ACTIVE	2	9/3/2013	6/30/2016	VESPER VINEYARDS LLC 298 ENTERPRISE ST, STE D ESCONDIDO, CA 92029-1251	VESPER VINEYARDS	P O BOX 594 VALLEY CENTER, CA 92082	3705	92029	Boutique Escondido
						Census Tract: 0203.07					
50	<u>534501</u>	ACTIVE	2	9/23/2013	6/30/2016	DORMANTOWE, EMILY LAURE 298 ENTERPRISE ST, STE D ESCONDIDO, CA 92029-1251	J BRIX WINES	PO BOX 232028 ENCINITAS, CA 92029-2028	3705	92029	Escondido
						Census Tract: 0203.07					
51	<u>546500</u>	ACTIVE	2	8/25/2014	6/30/2016	TONDELLI, JAMES 2919 HILL VALLEY DR ESCONDIDO, CA 92029-1504	TUSCANDIDO		3700	92029	Escondido
						Census Tract: 0203.06					
52	<u>550874</u>	ACTIVE	2	1/27/2015	6/30/2016	MCCLAIN, GAVIN ALLEN 298 ENTERPRISE ST, STE D ESCONDIDO, CA 92029-1251	WYATT OAKS WINERY	1272 TUTTLE LN EL CAJON, CA 92021-1048	3705	92029	Escondido
						Census Tract: 0203.07					
53	<u>552021</u>	ACTIVE	2	1/27/2015	6/30/2016	VINO PREGIATI LLC 298 ENTERPRISE ST, STE D ESCONDIDO, CA 92029-1251	VINO PREGIATI LLC	1966 CHERRYWOOD ST VISTA, CA 92081	3705	92029	Escondido
						Census Tract: 0203.07					
54	<u>144242</u>	ACTIVE	2	11/22/198	6/30/2016	MENGHINI WINERY INC 1150 JULIAN ORCHARDS DR JULIAN, CA 92036	MENGHINI WINERY	PO BOX 1359 JULIAN, CA 92036	3700	92036	Julian Major Use Permit
						Census Tract: 0209.03					
55	<u>339819</u>	ACTIVE	2	4/3/1998	6/30/2016	WITCH CREEK WINERY	WITCH CREEK WINERY	2906 CARLSBAD BLVD	3700	92036	

						2000 MAIN ST. STES 106 & 107 JULIAN, CA 92036		CARLSBAD, CA 92008		Julian	
						Census Tract: 0209.04					
56	<u>433213</u>	ACTIVE	2	2/7/2006	6/30/2016	JENKINS FAMILY TRUST DATE 1255 JULIAN ORCHARDS DR JULIAN, CA 92036	JENKINS WINERY	5989 PORTOBELLO CT SAN DIEGO, CA 92124	3700	92036 Julian	Major Use Permit
						Census Tract: 0209.03					
57	<u>513657</u>	ACTIVE	2	10/27/201	6/30/2016	M & C WINERY INC 2608 B ST JULIAN, CA 92036	BLUE DOOR WINERY	2840 C ST, UNIT 6 SAN DIEGO, CA 92102-2290	3700	92036 Julian	
						Census Tract: 0209.04					
58	<u>548658</u>	ACTIVE	2	10/23/201	6/30/2016	ORFILA VINEYARDS INC 2000 MAIN ST. STE 108 & 109 JULIAN, CA 92036	ORFILA VINEYARDS & WINER	13455 SAN PASQUAL RD, ORFILA ESCONDIDO, CA 92025	3700	92036 Julian	SD, City Regs.
						Census Tract: 0209.04					
59	<u>549035</u>	ACTIVE	2	5/29/2015	6/30/2016	JULIAN HARD CIDER LLC 2641 APPLE LN JULIAN, CA 92036-9465	JULIAN HARD CIDER	PO BOX 2140 JULIAN, CA 92036	3700	92036 Julian	
						Census Tract: 0209.04					
60	<u>549213</u>	ACTIVE	2	11/4/2014	6/30/2016	GOLDEN COAST MEAD LLC 4462 HIGHWAY 78 JULIAN, CA 92036	GOLDEN COAST MEAD	4089 OCEANSIDE BLVD, STE H OCEANSIDE, CA 92056-5814	3700	92036 Julian	
						Census Tract: 0209.03					
61	<u>550648</u>	ACTIVE	2	5/29/2015	6/30/2016	JULIAN HARD CIDER LLC 4470 HIGHWAY 78 JULIAN, CA 92036-9624	JULIAN HARD CIDER	P O BOX 2140 JULIAN, CA 92036	3700	92036 Julian	
						Census Tract: 0209.03					
62	<u>554606</u>	ACTIVE	2	7/20/2015	6/30/2016	KENNER, BRIAN ALLEN 17550 HARRISON PARK RD JULIAN, CA 92036	JULIAN CIDERWORKS	PO BOX 427 JULIAN, CA 92036-0427	3700	92036 Julian	
						Census Tract: 0209.04					
63	<u>481694</u>	ACTIVE	2	10/22/200	6/30/2016	WASCHER, JOHN IRWIN 710 STANLEY ST OCEANSIDE, CA 92054-5015	FLIGHT WINERY		3709	92054 Oceanside	
						Census Tract: 0182.00					
64	<u>533248</u>	ACTIVE	2	12/19/201	6/30/2016	O'NEILL HONEY COMPANY LLC 2435 INDUSTRY ST OCEANSIDE, CA 92054	O'NEILL HONEY COMPANY LLC	513 SHADOW TREE DR OCEANSIDE, CA 92058-7029	3709	92054 Oceanside	
						Census Tract: 0185.04					
65	<u>462945</u>	ACTIVE	2	9/29/2008	6/30/2016	FIFTY BARRELS INC 3800 OCEANIC DR, STE 106 OCEANSIDE, CA 92056-5836	OCEANSIDE WINE COMPANY	230 MAIN ST VISTA, CA 92084-6008	3709	92056 Oceanside	
						Census Tract: 0185.30					
66	<u>520289</u>	ACTIVE	2	8/15/2012	6/30/2016	MATTUCCI, PAUL DOUGLAS	MATTUCCI WINERY		3709	92056	



						3830 OCEANIC DR, STE 407 OCEANSIDE, CA 92056-5840				Oceanside	
67	<u>525297</u>	ACTIVE	2	12/11/2016	6/30/2016	Census Tract: 0185 13 GOLDEN COAST MEAD LLC 4089 OCEANSIDE BLVD, STE H OCEANSIDE, CA 92056-5814	GOLDEN COAST MEAD	4089 OCEANSIDE BLVD, STE H OCEANSIDE, CA 92056-5814	3709	92056 Oceanside	
68	<u>541503</u>	ACTIVE	2	3/13/2014	6/30/2016	Census Tract: 0185 16 PEGASUS ESTATE WINERY LLC 1712 & 1714 ORD WAY OCEANSIDE, CA 92056-1501	PEGASUS	1714 ORD WAY OCEANSIDE, CA 92056-1501	3709	92056 Oceanside	
69	<u>562700</u>	ACTIVE	2	10/9/2015	6/30/2016	Census Tract: 0194 03 WOODS, MARILYN 17755 MESA DR S PAUMA VALLEY, CA 92061	ORANGE WOODS WINERY	PO BOX 740 PAUMA VALLEY, CA 92061	3700	92061 Pauma Valley	
70	<u>116568</u>	ACTIVE	2	2/25/1982	6/30/2016	Census Tract: 0191 01 BERNARDO WINERY INC 13150 OLD WINERY RD POWAY, CA 92064	BERNARDO WINERY	13330 PASEO DEL VERANO NORT SAN DIEGO, CA 92128	3716	92064 Poway	City Regn. Permit
71	<u>457841</u>	ACTIVE	2	11/5/2007	6/30/2016	Census Tract: 0170 20 OLD COACH VINEYARDS & W 19050 OLD COACH WAY POWAY, CA 92064-6612	OLD COACH VINEYARDS		3716	92064 Poway	Boutique
72	<u>357026</u>	ACTIVE	2	10/25/199	6/30/2016	Census Tract: 0208 01 SCHWAESDALL WINERY INC 17677 RANCHO DE ORO RD RAMONA, CA 92065-7322	SCHWAESDALL WINERY		3700	92065 Ramona	Major Use Permit
73	<u>390148</u>	ACTIVE	2	10/2/2002	6/30/2016	Census Tract: 0208 01 SUNLAND ENTERPRISES LLC 17948 HIGHWAY 67 RAMONA, CA 92065	SALERNO WINERY		3700	92065 Ramona	Boutique
74	<u>407721</u>	ACTIVE	2	2/2/2005	6/30/2016	Census Tract: 0208 01 HOLZHAUER, WILLIAM JOHN 18011 BLUEGRASS RD RAMONA, CA 92065-6910	HACIENDA DE LAS ROSAS		3700	92065 Ramona	Boutique
75	<u>413361</u>	ACTIVE	2	9/3/2004	6/30/2016	Census Tract: 0208 01 HARGETT, KIM PHUONG 14905 MUSSEY GRADE RD RAMONA, CA 92065	MAHOGANY MOUNTAIN VINE		3700	92065 Ramona	Boutique
76	<u>415842</u>	ACTIVE	2	9/21/2004	6/30/2016	Census Tract: 0208 01 EDWARDS, ELIZABETH ANNE 26502 HIGHWAY 78 RAMONA, CA 92065-6315	EDWARDS VINEYARD & CELL		3700	92065 Ramona	Boutique
77	<u>441463</u>	ACTIVE	2	7/2/2007	6/30/2016	Census Tract: 0208 07 GALLONE, ALFREDO	PRINCIPE DI TRICASE WINERY	6620 MIRAMAR RD, STE 105	3700	92065	Boutique

						18425 HIGHLAND VALLEY RD RAMONA, CA 92065		SAN DIEGO, CA 92121-2580		Ramona	
						Census Tract: 0208.01					
78	<u>442593</u>	ACTIVE	2	9/14/2006	6/30/2016	HARRIS, CAROLYN ANN 910 GEM LN RAMONA, CA 92065	CHUPAROSA VINEYARDS		3700	92065 Ramona	Boutique
						Census Tract: 0208.10					
79	<u>442794</u>	ACTIVE	2	9/8/2006	6/30/2016	CACTUS STAR LLC 17029 HANDLEBAR RD RAMONA, CA 92065	CACTUS STAR VINEYARD	PO BOX 2227 RAMONA, CA 92065	3700	92065 Ramona	Boutique
						Census Tract: 0208.01					
80	<u>449449</u>	ACTIVE	2	7/2/2007	6/30/2016	GRIMES, DENNIS RAY 18261 CHABLIS RD RAMONA, CA 92065	EAGLES NEST WINERY	18259 CHABLIS RD RAMONA, CA 92065	3700	92065 Ramona	Boutique
						Census Tract: 0208.01					
81	<u>449452</u>	ACTIVE	2	7/2/2007	6/30/2016	GRIMES, DENNIS RAY 18259 CHABLIS RD RAMONA, CA 92065	EAGLES NEST WINERY		3700	92065 Ramona	Boutique
						Census Tract: 0208.01					
82	<u>454652</u>	ACTIVE	2	8/14/2007	6/30/2016	KAHLE, MARILYN VOGT 17073 GARJAN LN RAMONA, CA 92065-7030	WOOFN ROSE WINERY		3700	92065 Ramona	Boutique
						Census Tract: 0208.01					
83	<u>456611</u>	ACTIVE	2	11/2/2007	6/30/2016	LITTLE PAGE OAKS LLC 18750 LITTLE PAGE RD RAMONA, CA 92065-6776	MILAGRO FARM VINEYARDS &	10755 F SCRIPPS POWAY PKWY, # SAN DIEGO, CA 92131	3700	92065 Ramona	Admin Use Permit
						Census Tract: 0208.10					
84	<u>464212</u>	ACTIVE	2	8/21/2008	6/30/2016	RAMONA VINTNERS CELLARS 251 STEFFY LN RAMONA, CA 92065-3524	LENORA WINERY		3700	92065 Ramona	Boutique
						Census Tract: 0208.09					
85	<u>479898</u>	ACTIVE	2	9/15/2009	6/30/2016	LANE, JENNIFER JUNE 20997 BLACK CANYON RD RAMONA, CA 92065-5410	PAMO VALLEY WINERY		3700	92065 Ramona	Boutique (Indust)
						Census Tract: 0208.07					
86	<u>500998</u>	ACTIVE	2	10/14/2011	6/30/2016	PAYNE, PAULA RENEE 17287 OAK HOLLOW RD RAMONA, CA 92065-6757	HELLANBACK RANCH		3700	92065 Ramona	Boutique
						Census Tract: 0208.10					
87	<u>504725</u>	ACTIVE	2	2/4/2011	6/30/2016	KOHILL VINEYARD AND WINE 17211 HIGHLANDER DR RAMONA, CA 92065-6971	KOHILL WINERY		3700	92065 Ramona	Boutique
						Census Tract: 0208.01					
88	<u>506949</u>	ACTIVE	2	6/26/2012	6/30/2016	HIGHLAND HILLS CELLARS LLC	HIGHLAND HILLS WINERY		3700	92065	Boutique

						18545 RANGELAND RD RAMONA, CA 92065-5820				Ramona	
						Census Tract: 0208.01					
89	<u>509946</u>	ACTIVE	2	5/31/2011	6/30/2016	LANE, JENNIFER JUNE 603 MAIN ST, STE 9 RAMONA, CA 92065	PAMO VALLEY WINERY	20997 BLACK CANYON RD RAMONA, CA 92065-5410	3700	Ramona 92065	Boutique
						Census Tract: 0208.09					
90	<u>516231</u>	ACTIVE	2	1/12/2012	6/30/2016	SAPIER, SUSANNE DEE 25260 E OLD JULIAN HWY RAMONA, CA 92065-6741	VINEYARD GRANT JAMES		3700	Ramona 92065	Boutique
						Census Tract: 0208.07					
91	<u>516774</u>	ACTIVE	2	2/2/2012	6/30/2016	CASSIDY, THOMAS JOSEPH 1007 MAGNOLIA AVE RAMONA, CA 92065-1508	MAGNOLIA ESTATE VINEYARD		3700	Ramona 92065	Boutique
						Census Tract: 0208.07					
92	<u>518496</u>	ACTIVE	2	3/22/2012	6/30/2016	TURTLE ROCK RIDGE VINEYARD 18351 WOODS HILL LN RAMONA, CA 92065-4000	TURTLE ROCK RIDGE VINEYARD		3700	Ramona 92065	Boutique
						Census Tract: 0208.10					
93	<u>519422</u>	ACTIVE	2	5/2/2012	6/30/2016	RAMONA RANCH WINERY, LLC 23578 HIGHWAY 78 RAMONA, CA 92065	RAMONA RANCH WINERY LLC		3700	Ramona 92065	Boutique
						Census Tract: 0208.07					
94	<u>524526</u>	ACTIVE	2	12/17/2011	6/30/2016	CHINOOK CELLARS, INC 1625 HIGHWAY 78 RAMONA, CA 92065	HATFIELD CREEK WINERY		3700	Ramona 92065	Boutique
						Census Tract: 0208.07					
95	<u>524683</u>	ACTIVE	2	6/28/2013	6/30/2016	S & S GARCIA & ASSOCIATES, 1152A JAYBIRD LN RAMONA, CA 92065-3325	GARCIA'S VINEYARD & WINERY	1152 JAYBIRD LN RAMONA, CA 92065	3700	Ramona 92065	
						Census Tract: 0208.09					
96	<u>525891</u>	ACTIVE	2	1/10/2013	6/30/2016	POPPAEA VINEYARD LLC 25643 OLD JULIAN HWY RAMONA, CA 92065	POPPAEA VINEYARD	5440 CAMINITO EXQUISITO SAN DIEGO, CA 92130	3700	Ramona 92065	Boutique
						Census Tract: 0208.10					
97	<u>528912</u>	ACTIVE	2	8/1/2014	6/30/2016	HARBOUR, DAVID SCOTT 3326 HIGHWAY 67 RAMONA, CA 92065-7118	HARBOUR FARM AND VINEYARD		3700	Ramona 92065	Boutique
						Census Tract: 0208.01					
98	<u>534231</u>	ACTIVE	2	9/10/2013	6/30/2016	SEVEN MEADOWS VINEYARD 14671 MUSSEY GRADE RD RAMONA, CA 92065-7717	SEVEN MEADOWS VINEYARD		3700	Ramona 92065	
						Census Tract: 0208.01					
99	<u>536075</u>	ACTIVE	2	6/17/2014	6/30/2016	CASTELLIFV LLC	CASTELLIFV LLC		3700	Ramona 92065	

						17872 OAK GROVE RD RAMONA, CA 92065-5836				Ramona	
						Census Tract: 0208.01					
100	<u>541272</u>	ACTIVE	2	7/1/2014	6/30/2016	LA FINQUITA WINERY & VINE 23123 VISTA RAMONA RD RAMONA, CA 92065-4065	LA FINQUITA WINERY & VINE		3700	92065	Boutique
						Census Tract: 0208.10				Ramona	
101	<u>541468</u>	ACTIVE	2	6/18/2014	6/30/2016	MYSTERIOUS MEAD COMPAN 344 TELFORD LN RAMONA, CA 92065-2932	MYSTERIOUS MEAD COMPAN	1354 BIRCH AVE ESCONDIDO, CA 92027-4402	3700	92065	
						Census Tract: 0208.09				Ramona	
102	<u>543719</u>	ACTIVE	2	5/20/2014	6/30/2016	ESCALONA CELLARS LLC 25130 CREEK HOLLOW DR RAMONA, CA 92065-6749	ESCALONA CELLARS VINEYAR		3700	92065	Boutique
						Census Tract: 0208.10				Ramona	
103	<u>552870</u>	ACTIVE	2	8/17/2015	6/30/2016	AWREY, DENISE SUZANNE 828 PILE ST RAMONA, CA 92065-1528	GHOST HORSE VINEYARD	830 PILE ST RAMONA, CA 92065-1528	3700	92065	
						Census Tract: 0208.07				Ramona	
104	<u>396753</u>	ACTIVE	2	7/15/2003	6/30/2016	TWIN OAKS VALLEY VINTNER 1575 MULBERRY DR SAN MARCOS, CA 92069	TWIN OAKS VALLEY WINERY	411 BIXBY DR MILPITAS, CA 95035-6006	3712	92069	
						Census Tract: 0200.22				San Marcos	
105	<u>544905</u>	ACTIVE	2	12/5/2014	6/30/2016	KURACALI INC 175 BOSSTICK BLVD, STE 104-7 SAN MARCOS, CA 92069	KURACALI INC	821 CAMINITO DEL REPOSO CARLSBAD, CA 92011-2404	3712	92069	
						Census Tract: 0200.18				San Marcos	
106	<u>553630</u>	ACTIVE	2	8/19/2015	6/30/2016	SUNSHINE MOUNTAIN VINEY 2286 SUNSHINE MOUNTAIN RD SAN MARCOS, CA 92069-9726	SUNSHINE MOUNTAIN VINEY	2284 SUNSHINE MOUNTAIN RD SAN MARCOS, CA 92069-9726	3700	92069	
						Census Tract: 0192.08				San Marcos	
107	<u>487752</u>	ACTIVE	2	9/22/2010	6/30/2016	SWIGGERS, EDWARD JOHN 28185 ANGEL MOUNTAIN RD SANTA YSABEL, CA 92070	DIAMOND T VINEYARDS	PO BOX 185 SANTA YSABEL, CA 92070-0185	3700	92070	
						Census Tract: 0209.03				Santa Ysabel	
108	<u>529872</u>	ACTIVE	2	3/20/2013	6/30/2016	MESA GRANDE CORAZON WIN 22950 CRESCENT HEIGHTS RD SANTA YSABEL, CA 92070	MESA GRANDE CORAZON WIN	PO BOX 510 SANTA YSABEL, CA 92070-0510	3700	92070	
						Census Tract: 0209.03				Santa Ysabel	
109	<u>484792</u>	ACTIVE	2	7/1/2010	6/30/2016	CARRUTH, ADAM CRAIG 320 S CEDROS AVE, STE 400 SOLANA BEACH, CA 92075-1919	CARRUTH CELLARS	PO BOX 1966 CARLSBAD, CA 92018-1966	3717	92075	
						Census Tract: 0173.04				Solana Beach	
110	<u>548122</u>	ACTIVE	2	9/22/2014	6/30/2016	CALIFORNIA FRUIT WINE COR	CALIFORNIA FRUIT WINE COR	3186 LIONSHEAD AVE, STE 150	3713	92081	

						1040 LA MIRADA CT VISTA, CA 92081-7874		CARLSBAD, CA 92010-4709		Vista	
111	<u>557876</u>	ACTIVE	2	9/11/2015	6/30/2016	Census Tract: 0200.17 2PLANK VINEYARDS, LLC 2379 LA MIRADA DR VISTA, CA 92081-7863	2PLANK VINEYARDS	6242 FERRIS SQ SAN DIEGO, CA 92121-3205	3713	92081	Vista
112	<u>476090</u>	ACTIVE	2	5/14/2009	6/30/2016	Census Tract: 0199.05 TRIPLE B RANCHES 15030 VESPER RD VALLEY CENTER, CA 92082-6245	TRIPLE B RANCHES	15402 VESPER RD VALLEY CENTER, CA 92082-6245	3700	92082	Boutique Valley Center
113	<u>510973</u>	ACTIVE	2	8/2/2011	6/30/2016	Census Tract: 0191.06 WINEGREETING.COM, INC 14551 OAK MEADOW RD VALLEY CENTER, CA 92082-38	WINEGREETING.COM	4747 OCEANSIDE BLVD, STE E OCEANSIDE, CA 92056-3055	3700	92082	Valley Center
114	<u>513543</u>	ACTIVE	2	10/7/2011	6/30/2016	Census Tract: 0191.06 HTR, LLC 30655 VALLEY CENTER RD VALLEY CENTER, CA 92082-674	HILLTOP WINERY	PO BOX 2570 VALLEY CENTER, CA 92082-2570	3700	92082	Valley Center
115	<u>524512</u>	ACTIVE	2	10/15/2011	6/30/2016	Census Tract: 0191.06 SANDERS, DONALD MICHAEL 12409 MESA VERDE DR VALLEY CENTER, CA 92082-506	ACCIDENTAL WINERY THE	30718 MESA CREST RD VALLEY CENTER, CA 92082-5023	3700	92082	Valley Center
116	<u>530179</u>	ACTIVE	2	5/28/2013	6/30/2016	Census Tract: 0191.03 FIFTY BARRELS INC 230 MAIN ST, STE A VISTA, CA 92084-6008	FIFTY BARRELS URBAN WINERY	8632 CONVERSE AVE SAN DIEGO, CA 92123-3925	3713	92084	Vista
117	<u>545734</u>	ACTIVE	2	9/17/2014	6/30/2016	Census Tract: 0195.02 BROOKING VINEYARDS LLC 375 SKYLINE DR VISTA, CA 92084-5731	BROOKING VINEYARDS		3700	92084	Vista
118	<u>399005</u>	ACTIVE	2	10/29/2006	6/30/2016	Census Tract: 0196.02 SHADOW MOUNTAIN VINEYARDS 34680 HIGHWAY 79 WARNER SPRINGS, CA 92086	SHADOW MOUNTAIN VINEYARDS		3700	92086	Warner Springs
119	<u>442562</u>	ACTIVE	2	12/8/2006	6/30/2016	Census Tract: 0209.03 SERENISSIMA LLC 35168 HWY 79 WARNER SPRINGS, CA 92086-9	SERENISSIMA		3700	92086	Warner Springs
120	<u>454258</u>	ACTIVE	2	9/17/2007	6/30/2016	Census Tract: 0209.03 HAWK WATCH WINERY LLC 27054 CHIHUAHUA VALLEY RD WARNER SPRINGS, CA 92086-9	HAWK WATCH WINERY		3700	92086	Warner Springs
121	<u>454937</u>	ACTIVE	2	9/26/2007	6/30/2016	Census Tract: 0209.03 WIEDERRICH, VON ORRIN	ORRIN VINEYARDS AND WINERY	1465 C ST, UNIT 3519	3700	92086	

						35288 HIGHWAY 79 WARNER SPRINGS, CA 92086-9		SAN DIEGO, CA 92101		Warner Springs	
						Census Tract: 0209 03					
122	<u>520756</u>	ACTIVE	2	8/7/2014	6/30/2016	HILLSPRINGS FARMS, LLC 38642 HIGHWAY 79 WARNER SPRINGS, CA 92086	EMERALD CREEK WINERY	555 DEODAR LN BRADBURY, CA 91008-1018	3700	92086 Warner Springs	
						Census Tract: 0209 03					
123	<u>527156</u>	ACTIVE	2	6/25/2013	6/30/2016	SIERRA ROBLE WINERY & VIN 34810 HIGHWAY 79 WARNER SPRINGS, CA 92086	SIERRA ROBLE WINERY & VIN	PO BOX 21 WARNER SPRINGS, CA 92086-0021	3700	92086 Warner Springs	
						Census Tract: 0209 03					
124	<u>518716</u>	ACTIVE	2	8/6/2013	6/30/2016	HIPPER, TODD STUART 2215 KETTNER BLVD SAN DIEGO, CA 92101-1938	SAN DIEGO CELLARS	.	3710	92101 San Diego	
						Census Tract: 0058 00					
125	<u>532048</u>	SUSPEN	2	1/16/2015	6/30/2016	RICHARDS, MATTHEW HOUST 1466 F ST SAN DIEGO, CA 92101-6621	MATTHEW RICHARDS CELLAR	4979 NARRAGANSETT AVE SAN DIEGO, CA 92107-3106	3710	92101 San Diego	
						Census Tract: 0052 00					
126	<u>540856</u>	ACTIVE	2	6/16/2014	6/30/2016	TOAST OF THE TOWN INC 805 W HARBOR DR, STE C SAN DIEGO, CA 92101-7766	SAN PASQUAL TASTING ROOM	8364 LA MESA BLVD LA MESA, CA 91942-9218	3710	92101 San Diego	
						Census Tract: 0054 00					
127	<u>557944</u>	ACTIVE	2	9/11/2015	6/30/2016	ZILARO CELLARS LLC 1466 F ST SAN DIEGO, CA 92101-6621	ZILARO CELLARS LLC	4607 JANET PL SAN DIEGO, CA 92115-1909	3710	92101 San Diego	
						Census Tract: 0052 00					
128	<u>553364</u>	ACTIVE	2	10/28/201	6/30/2016	VANBRINK, INC 1477 UNIVERSITY AVE SAN DIEGO, CA 92103	VINAVANTI	6755 MIRA MESA BLVD, #123-196 SAN DIEGO, CA 92121	3710	92103 San Diego	
						Census Tract: 0007 00					
129	<u>555388</u>	ACTIVE	2	8/6/2015	6/30/2016	NEGOCIAANT WINERY 2419 EL CAJON BLVD SAN DIEGO, CA 92104-1107	NEGOCIAANT WINERY		3710	92104 San Diego	
						Census Tract: 0009 00					
130	<u>552022</u>	ACTIVE	2	1/16/2015	6/30/2016	MIGNANELLI WINERY, LLC 2252 BOLINAS ST SAN DIEGO, CA 92107-1704	MIGNANELLI WINERY	4269 SANTA CRUZ AVE SAN DIEGO, CA 92107	3710	92107 San Diego	
						Census Tract: 0074 00					
131	<u>555917</u>	ACTIVE	2	8/5/2015	6/30/2016	GIANNI BUONOMO VINTNERS 4836 NEWPORT AVE, STE B SAN DIEGO, CA 92107-3111	GIANNI BUONOMO VINTNERS	P.O. BOX 7556 SAN DIEGO, CA 92167	3710	92107 San Diego	
						Census Tract: 0075 02					
132	<u>474459</u>	ACTIVE	2	6/4/2009	6/30/2016	TOAST OF THE TOWN INC	SAN PASQUAL WINERY	8364 LA MESA BLVD	3710	92109	



						5151 SANTA FE ST, STE H SAN DIEGO, CA 92109-1618  Census Tract: 0085.03		LA MESA, CA 91942-9218		San Diego	
133	<u>534204</u>	ACTIVE	2	9/27/2013	6/30/2016	CICCHETTO, BRETT J 5151 SANTA FE ST, STE H SAN DIEGO, CA 92109-1618  Census Tract: 0085.03	BRIDGE WINERY	3365 IBIS ST SAN DIEGO, CA 92103	3710	92109 San Diego	
134	<u>534990</u>	ACTIVE	2	9/27/2013	6/30/2016	GIANNI BUONOMO VINTNERS 5151 SANTA FE ST, STE H SAN DIEGO, CA 92109-1618  Census Tract: 0085.03		PO BOX 7556 SAN DIEGO, CA 92167-0556	3710	92109 San Diego	
135	<u>542108</u>	ACTIVE	2	6/4/2014	6/30/2016	M & C WINERY INC 4060 MORENA BLVD, STE E2 SAN DIEGO, CA 92117-5243  Census Tract: 0085.03	BLUE DOOR WINERY	2840 C ST, UNIT 6 SAN DIEGO, CA 92102-2290	3710	92117 San Diego	
136	<u>550503</u>	ACTIVE	2	7/1/2015	6/30/2016	OMHOLT, MADISON BRUCE 4901 MORENA BLVD, STE 320 SAN DIEGO, CA 92117  Census Tract: 0085.01	JOON MELANGE	PO BOX 632951 SAN DIEGO, CA 92163-2951	3710	92117 San Diego	
137	<u>534979</u>	ACTIVE	2	9/19/2013	6/30/2016	ZILARO CELLARS LLC 1113 ADELLA AVE CORONADO, CA 92118-2927  Census Tract: 0140.00	ZILARO CELLARS LLC	4607 JANET PLACE SAN DIEGO, CA 92115-1909	3703	92118 Coronado	
138	<u>556814</u>	ACTIVE	2	10/15/201	6/30/2016	MAGURNO, SHAWN PATRICK 6236 LAKE ARIANA AVE SAN DIEGO, CA 92119-3507  Census Tract: 0098.02	BLUE FELT WINERY		3710	92119 San Diego	
139	<u>523017</u>	ACTIVE	2	9/14/201 2 11:08:00 AM	6/30/2016	2PLANK VINEYARDS, LLC 6242 FERRIS SQ SAN DIEGO, CA 92121-3205  Census Tract: 0083.50	2PLANK VINEYARDS	6242 FERRIS SQ SAN DIEGO, CA 92121-3205	3710	92121 San Diego	
140	<u>544070</u>	ACTIVE	2	8/29/201 4 4:14:15 PM	6/30/2016	FORGOTTEN BARREL, LLC 11855 & 11839 SORRENTO VALLEY RD, STE 503 SAN DIEGO, CA 92121  Census Tract: 0083.39	FORGOTTEN BARREL	2333 STATE ST, STE 200 CARLSBAD, CA 92008-1691	3710	92121 San Diego	
141	<u>438593</u>	ACTIVE	2	9/7/2006	6/30/2016	W G BEST WEINKELLEREI INC 8221 ARJONS DR, STE F SAN DIEGO, CA 92126-6319  Census Tract: 0083.50	MONTESQUIEU	8221 ARJONS DR, STE F SAN DIEGO, CA 92126-6319	3710	92126 San Diego	
142	<u>547167</u>	ACTIVE	2	10/30/201	6/30/2016	ABNORMAL COMPANY INC 16990 VIA TAZON, STE 123 SAN DIEGO, CA 92127-1649  Census Tract: 0170.32	ABNORMAL WINE COMPANY		3710	92127 San Diego	

143	<u>552210</u>	ACTIVE	2	2/19/2015	6/30/2016	MILLER, DARIUS FRANK 12225 WORLD TRADE DR, STE SAN DIEGO, CA 92128-3768  Census Tract: 0170.55	KOI ZEN CELLARS	12975 ORANGEBURG AVE SAN DIEGO, CA 92129	3710	92128 San Diego	
144	<u>554413</u>	ACTIVE	2	5/27/2015	6/30/2016	BIG H WINE CORP 6825 GATEWAY PARK DR, STE SAN DIEGO, CA 92154-7530  Census Tract: 0100.15	VINO URBANO		3710	92154 San Diego	

**Lingelser, Heather**

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**From:** Andy Harris <andy@chuparosavineyards.com>  
**Sent:** Monday, December 21, 2015 9:47 AM  
**To:** Farace, Joseph; Lingelser, Heather  
**Subject:** County Position on Use of Bulk Wine  
**Attachments:** Turtle Rock COLAs.pdf

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

Joe/Heather,

The spreadsheet I sent you last week (in Excel) contains every 02 Winegrower license in San Diego County as of December 14, 2015. It is taken directly from publicly available State ABC records. My intention was to try and estimate how many boutique wineries there are in the County at present. In order to determine this value all urban wineries, and rural wineries with either an AUP or MUP must be subtracted from the totals shown in the database. Determining which businesses on the spreadsheet are urban wineries is pretty straightforward - one need only check the address. If its not in the County boundaries its an urban winery, operating under a different set of rules than wineries located in County regions.

The next step I intended to take was a search of County records to identify which of the remaining wineries on the list had either an AUP or MUP. I found that a public search of County records for AUP and MUP applications is not very feasible due to the formatting and the content of the County database. For example all AUP's are lumped together by application date and status, but not by project type (i.e., winery). I am guessing that internal County search engines can separate AUP and MUP applications and approvals by project type?? If so this additional sort will give you the exact number of boutique wineries operating in the County as of December 14, 2015.

Once all boutique wineries in the County are identified by name and address, it is a very simple matter to use a publicly available Federal database for wine label approval (called a COLA) to determine where each of the wines offered by the winery actually comes from (grown onsite, locally sourced within SD County, or purchased from the bulk wine producers in inland Central California). A COLA is a Certificate of Label Approval by the US Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau (TTB), the Federal agency that issues permits to produce wine, and the information that must, and may be printed on a wine label. The TTB maintains an online collection of all approved labels, complete with an image of the approved label. It is searchable by the registered winery's name, or registration number. This method of determining wine origin has been accurate to date because of the extreme reticence of most wineries to intentionally violate Federal law. It should be obvious to you by now that these same wineries have no such reservations when it comes to State and County law.

For example I have attached the Turtle Rock winery COLA list. You can see that in spite of statements to the contrary, only 10 of the 25 COLA's ever filed with TTB have anything to do with either Ramona or San Diego County wine. Please note also that of the newer offerings (since 3/23/13) there are only three Ramona Valley designated wines of the 14 listed. You can do the same exercise for Altipiano, Vineyard Grant James, or any of the other miscreants you have been dealing with recently. In all cases if you check their COLA listings, the offerings in their winery tasting areas are predominantly or entirely bulk wine (shiners) from outside the County. This an important number because it appears from the Ramona sample, the Highland Hills sample,

and the east County sample that about 30-40% of these "wineries" are offering only or mostly bulk wine from out of the County. Most are not even trying to hide it.

This condition has persisted since April of 2012 with no attempt at correction on the part of the County. The effects of continued abuse of shiners are twofold: First the reputation of San Diego County as a wine region is being trashed by the continued uncontrolled use of cheap (bad) bulk wine offered up to customers as local wine. Second and more important though is the violation of the intent of the Ordinance. Recall the 25% onsite production requirement and 75% San Diego grape sourcing requirement in the Ordinance. These restraints are there to intentionally limit the size of a Boutique winery to fit the property on which its located, but avoid imposition of the more straightforward acreage limitation used for example in Temecula (10 acre minimums for any winery operation). During the initial draft of the Ordinance both County personnel and the winery community were concerned about the potential for 'big winery on small property' schemes and the consequential neighborhood conflicts that would inevitably arise. Our group didn't want to see acreage minimums because we had several small (but high quality) producers we didn't want to see eliminated from participation in the Boutique Winery classification. We took those minimum onsite requirements from other Counties who also have many smaller wineries, because they were successfully used in those Counties to limit winery size to a ratio consistent with the size of (and what is produced on) the property.

Given that in all likelihood there will be no effective Ordinance enforcement by the County in the foreseeable future due to Code Enforcement staff furiously suing each other, the County is opening a very ugly Pandora's box with the continued sanction of bulk wine. I know your reasoning for allowing bulk wine produced in the County but the question remains: how will it be enforced? I know for a fact that the San Diego Citizen's Group (Carol Angus - the group that sued against passage of the Ordinance and subsequently appealed and lost) has been tracking every Ordinance clarification meeting carefully. Check your attendance records for those meetings. She has been at every one of them. Violation of the restraints placed on Boutique winery size are effective legal grounds to bring another CEQA suit and this time they will win. If that happens the investment of all the legitimate wineries in the County will have been flushed down the drain, and please understand this investment is significant. The legitimate wineries are NOT offering tastings from their personal patios - they have tasting rooms permitted to the commercial section of the CBC. They are making real local white wine using expensive white wine making equipment - not just buying cheap bulk white wine. They have invested heavily in permitted winery buildings in which to make their wine - not operating out of dirt floor tool sheds or in the open air.

The stated intention of the County to allow bulk wines for Small Wineries (AUP) that is only sourced inside San Diego County is understandable from the point of further supporting local farming; however, it is not enforceable given the current situation at Code Enforcement. It simply opens the door for more abuse and eventual CEQA legal action. Given the spreadsheet I sent you previously and the County AUP and MUP records at your disposal you have the tools available to determine for yourselves just how widespread the problem with bulk wines is within the County. I urge you to reconsider your position and ban use of ANY bulk wine for AUP operations where no public hearing is required. It is important that any and all concerned neighbors be given a chance to weigh in on the legitimacy of a winery operating as a de facto bar in the back country. Only the MUP process requires a hearing and this should be the proper venue for use of bulk wine of any sort.

Thank you for your time.

Andy Harris  
Chuparosa Vineyards

This is why its so important to the future of this industry in San Diego County to NOT codify the use of bulk wine (shiners) into Ordinance Law.

TTB BWN-CA-16950  
CA ABC 518496  
Turtle Rock Ridge Vineyard Winery

TTB ID	Application	Fanciful Name	Vintage	Appellation	Varietal	Other
11230001000472	8/18/2011		2007	South Coast	750ml Tempranillo	Bottled by
11230001000481	8/18/2011		2010	Ramona Valley	750ml Sangiovese	Produced and Bottled by
11230001000485	8/18/2011		2010	Ramona Valley	750ml Sangiovese Reserve	Produced and Bottled by
11230001000489	8/18/2011		2010	Ramona Valley	750ml Petite Sirah	Produced and Bottled by
11230001000492	8/18/2011		2010	Ramona Valley	750ml Merlot	Produced and Bottled by
11230001000493	8/18/2011		2010	Ramona Valley	750ml Barbera	Produced and Bottled by
11230001000499	8/18/2011	Hello Gorgeous	2010	Ramona Valley	750ml Merlot/60 Cab Sauv/20 Sangiovese/2	Produced and Bottled by
12059001000536	2/28/2012	Chocolate Turtle	Non-vintage	not stated	375ml Grape wine with artificial chocolate fl	Produced and Bottled by
12143001000134	5/22/2012		Non-vintage	California	750ml Chardonnay	Produced and Bottled by
12181001000361	6/29/2012		Non-vintage	California	750ml Viognier	Bottled by
13066001000675	3/7/2013		Non-vintage	Ramona Valley	750ml Zinfandel	Produced and Bottled by
3/23/2013						
13115001000358	4/25/2013		Non-vintage	South Coast	750ml Cabernet Franc	Produced and Bottled by
13115001000360	4/25/2013	Hello Sexy	Non-vintage	Ramona Valley	750ml Cab Sauv/69 Merlot/31	Produced and Bottled by
13117001000047	4/27/2013		Non-vintage	California	750ml Grenache Blanc	Bottled by
14064001000570	3/5/2014		Non-vintage	California	750ml 100% Pinot Blanc	Bottled by
14064001000569	3/5/2014		Non-vintage	California	750ml 100% Gewurztraminer	Bottled by
14064001000567	3/5/2014		Non-vintage	Ramona Valley	750ml Rose' Wine	Produced and Bottled by
15120001000590	4/30/2015	Hello Sexy	2012	California	750ml 69% Cab Sauvignon / 31% Merlot	Bottled by
151250001000582	4/30/2015	Hello Gorgeous	2013	California	750ml 60% Merlot / 20% Cab / 20% Sangiov	Bottled by
14333001000001	11/29/2014	Sangria	Non-vintage	not stated	1 L Grape wine with natural flavors	Produced and Bottled by
14346001000292	12/12/2014 (30 cases produced)		2012	Ramona Valley	750ml 100% Cabernet Sauvignon	Bottled by
14352001000484	12/18/2014		Non-vintage	California	750ml 100% Syrah	Bottled by
15125001000458	5/5/2015	Hello Love	2013	California	750ml White Wine Blend	Vinted and Bottled by
15125001000451	5/5/2015		2013	California	750ml Sauvignon Blanc	Vinted and Bottled by
15127001000394	5/7/2015	Hello Beautiful	2013	California	750ml Red Wine Blend	Vinted and Bottled by