



Planning Commission Hearing Report

Date:	December 5, 2025	Case/File No.:	PDS2025-POD-25-004
Place:	County Operations Center 5520 Overland Avenue San Diego, CA 92123	Project:	Process Improvements Zoning Ordinance Updates
Time:	9:00 a.m.	Location:	Entire unincorporated County
Agenda Item:	2	General Plan:	N/A
Appeal Status:	Not applicable; approval by the Board of Supervisors	Zoning:	N/A
Applicant/Owner:	County of San Diego	Community:	All community/subregional planning areas
Environmental:	CEQA § 15162 through 15164 Addendum	APNs:	N/A

A. OVERVIEW

This is a request for the Planning Commission to provide a recommendation to the Board of Supervisors (Board) on the proposed Process Improvements Zoning Ordinance Updates project (Project). The Project addresses Board direction associated with two components: allowing amplified live music at Boutique Wineries and extending the maximum permitting time for health care trailers.

Amendments are proposed to Section 6910.b of the Zoning Ordinance to allow, under certain parameters, amplified live music at Boutique Wineries. The Boutique Winery Tier is one of four tiers in the County's Tiered Winery regulations of the Zoning Ordinance. Boutique Wineries are a by right tier, with no discretionary permit required in the A70 (Limited Agricultural) and A72 (General Agricultural) zones. The Zoning Ordinance allowances for Boutique Wineries were intended for relatively small-scale operations that can include wine sales and tasting areas open to the public, in addition to wine production facilities. The draft Zoning Ordinance Amendment addresses several proposed requirements associated with adding amplified live music, including clarifications on maximum site occupancies, property line setback requirements by source noise levels for Noise Ordinance compliance, and reference to required Entertainment Establishment licensing through the County Sheriff.

Amendments are also proposed to Section 6118 of the Zoning Ordinance to extend the maximum permitting time for health care trailers, from one year to a maximum of five years, depending on the duration noted in a required Certificate of Need signed by a licensed physician. A health care trailer is a dwelling for temporary health care on a lot where there is a permanent single-family dwelling. Health care trailers are for temporary occupancy by either providers of health services required by an occupant of the main dwelling, or relatives of the occupant of the main dwelling who require health care.

The draft Zoning Ordinance Amendment is the result of Board direction, analysis, best practices research, and outreach with stakeholders via in-person and online meetings, and inputs received during the public review and comment period, which led to some adjustments to the draft.

B. STAFF RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Find that the Tiered Winery Ordinance Amendment Environmental Impact Report (EIR), dated August 4, 2010, on file with Planning & Development Services (PDS) as Environmental Review Number 08-00-004; and the General Plan Update EIR, dated August 3, 2011, on file with PDS as Environmental Review Number 02-ZA-001, were completed in compliance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines and that the Planning Commission has reviewed and considered the information contained therein and the Addendum thereto, dated December 5, 2025, on file with PDS as Environmental Review Number PDS2025-ER-25-00-001, prior to making its recommendation (ATTACHMENT D).
2. Recommend that the Board of Supervisors find that there are no changes to the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIRs dated August 4, 2010 and August 3, 2011; that there is no substantial increase in the severity of previously identified significant effects; and that no new information of substantial importance has become available since the EIRs were certified as explained in the Environmental Review Update Checklist dated December 5, 2025, on file with PDS as Environmental Review Number PDS2025-ER-25-00-001 (ATTACHMENT D).
3. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO HEALTH CARE TRAILERS AND BOUTIQUE WINERIES (PDS2025-POD-25-004) (ATTACHMENT A)

C. BACKGROUNDAmplified Live Music at Boutique Wineries

In 2010, the Board passed a Tiered Winery Ordinance to further regulate different sizes of wineries. The new rules created a Small Winery category and made it easier for Boutique and Wholesale Limited wineries to operate in specific agricultural zones. Since then, the Board has revised the rules to support the wine industry further, with changes related to production and tasting facilities, and adoption of regulations that expanded agritourism opportunities. Current regulations address four tiers of wineries: Wholesale Limited Winery, Boutique Winery, Small Winery, and Winery. The Wholesale Limited and Boutique Winery tiers accommodate smaller-scale winery operations and can be allowed by right within agricultural zones if specified criteria are met. Of the two, only the Boutique Wineries allow tasting rooms and on-site sales to the public. The Small Winery and Winery tiers are intended for larger scale operations and require discretionary permitting. These tiers provide comparatively more flexibility, including allowing special events. A high-level summary of the tiers is provided in Table 1 below:

Table 1: Tiered Winery Ordinance Summary				
Winery Tier	Wholesale Limited	Boutique	Small Winery	Winery
Discretionary Permit	N/A - Allowed By-Right	N/A - Allowed By-Right	Administrative Permit (AP)	Major Use Permit (MUP)
Tasting Rooms/ Onsite Sales	Not allowed	Allowed	Allowed	Allowed
Food Service	Not allowed	Allowed; pre-packaged food and catered food	Allowed; pre-packaged food and catered food	Allowed; determined by MUP

Events	Not allowed	Activities/gatherings limited to wine production, sales, tasting (including wine clubs); agricultural instruction, educational tours	Allowed; determined by AP	Allowed; determined by MUP
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On February 28, 2024 (13), the Board directed staff to look for ways Boutique Wineries can have live music, with parameters. Additional direction addressed expanding wineries into Rural Residential (RR) zones and allowing more community events, including looking into allowing more than six community events per year if the setup is correct. Staff is evaluating options to allow wineries in RR zones under a separate project. The Board direction to consider allowing more than six community events if the setup is correct, is partially addressed in the proposed ordinance revisions through clarification of allowed activities at Boutique Wineries. However, changes to the Community Event regulations as defined in the County Code of Regulatory Ordinances and permitted by the Department of Environmental Health and Quality would require a broader effort to evaluate Zoning and Regulatory Code limits for events, as these regulations are not unique to wineries.

Health Care Trailers

A health care trailer is a dwelling for temporary health care located on a lot where there is an existing permanent single-family dwelling. Health care trailers are for temporary occupancy by either providers of health services required by an occupant of the main dwelling, or relatives of the occupant of the main dwelling who require health care. Current regulations limit the size of health care trailers to 800 square feet, require that they meet main building setbacks, and require connection to utilities. To receive a building permit for occupancy of a health care trailer, an applicant must provide a Certificate of Need signed by a physician licensed to practice in California. The current regulations require issuance of an annual permit with the accompanying Certificate of Need confirming the ongoing need for the health care trailer.

On September 14, 2022 (3) the Board considered a Board Letter initiated by District 5 Supervisor Jim Desmond, seeking to extend the maximum permitting time for health care trailers. Constituents caring for family members with long-term disabilities and other health issues shared that the requirement to submit a Certificate of Need and go through the permit renewal process on an annual basis was burdensome. At this hearing, the Board directed staff to prepare revisions to the Zoning Ordinance to extend the maximum permitting time for health care trailers, from one to five years, depending on the duration of need noted in the Certificate of Need. Ordinance revisions included in Attachment A incorporate revisions consistent with this Board direction.

D. PUBLIC INPUT

The development of the Draft Zoning Ordinance Amendment was informed by extensive public outreach in varying formats. In-person outreach started in 2024, with the project team attending several events to share information about the project and receive input. Events included an agritourism gathering hosted by the University of California Cooperative Extension San Diego, an initial meeting with members of the Farm Bureau, a Jamul-Dulzura Community Planning Group (CPG) meeting, and a meeting of CPG and Community Sponsor Group (CSG) Chairs. A virtual project kickoff meeting was held in September 2024, which included information about the various ways to provide input and track the project progress, including how to subscribe to the project email list. Staff visited libraries, community centers, coffee shops, grocery stores, and salons within Fallbrook, Julian, Twin Oaks, and Ramona over the course of two days in October 2024. Staff posted fliers and held impromptu discussions with interested parties. This outreach was to raise awareness of the project scope and opportunities to provide input.

Additional virtual outreach meetings were held in July 2024, with the Ramona Music Alliance and the Ramona Valley Vineyard Association Board of Directors.

Following consideration and incorporation of input from the initial outreach meetings, analysis, best practices research, and case studies of live music at wineries in the County (see Analysis Section), an initial draft of the proposed Zoning Ordinance Amendment was developed and made available for public review and comment from July 21, 2025, through September 15, 2025. During the public review period, the project team presented the draft Zoning Ordinance Amendment with a summary of supporting analysis and best practices research at several outreach meetings including in-person meetings with the Ramona CPG, Jamul-Dulzura CPG, Fallbrook CPG, and the Farm Bureau, and an online meeting with representatives from the California Department of Alcoholic Beverage Control (ABC). Two larger online outreach meetings were held with dozens of stakeholders, including members of the Ramona Music Alliance, Ramona Valley Vineyard Association, Ramona Chamber of Commerce, and representatives from many wineries in the unincorporated area.

A total of 115 comment emails from individuals or organizations were received during public review; most comments focused on the amplified live music at Boutique Wineries component of the proposed Zoning Ordinance amendments. Key comment themes included:

- Concern with the proposed approach to regulating noise with a minimum 200-foot property line setback, or greater setbacks depending on source noise levels.
- Seeking more flexibility on the types of events/activities and gatherings that can be allowed.
- Concerns with the 20 seat maximum for outdoor eating areas, in existing regulations.

The Analysis and Discussion section of this report (Section F) addresses the most common themes from public input and includes discussion of how the Ordinance was changed to be responsive to comments and why certain requested changes were not incorporated into the draft Ordinance.

E. COMMUNITY PLANNING GROUP (CPG)

Amplified Live Music at Boutique Wineries

Note: the following CPG votes on amplified live music at Boutique Wineries were during the summer 2025 public review period. Edits were made following the public review as detailed in Attachment C and discussed in the Analysis and Discussion section of this report..

On August 7, 2025, the Ramona CPG voted 12 ayes, 0 noes, 0 abstained, with 3 absent, to “revisit the draft after input, and the stakeholder input, is taken into consideration. Request a stakeholder meeting with County representatives for an update on the draft, and to submit comments to the County.” Following the meeting, staff worked with the CPG Chair to schedule the stakeholder meeting requested, which occurred on August 19, 2025.

On August 18, 2025, the Fallbrook CPG voted 8 ayes, 3 noes, 0 abstained, with 4 absent, to recommend approval of the draft Zoning Ordinance Amendment for amplified live music at Boutique Wineries “on a trial basis for one year to determine the impact of the noise on nearby residents and to evaluate the number of complaints received.”

On September 2, 2025, the Jamul-Dulzura CPG voted 9 ayes, 0 noes, 0 abstained, with 6 absent to endorse this statement, “We strongly urge PDS to consider the unique role that Jamul-Dulzura area wineries play in preserving the rural nature of this region and supporting the local economy. A more flexible and business-friendly approach to regulation will help ensure these businesses remain viable and continue to benefit the community. The JDCPG recognizes these wineries fit well within the community plan for our subregion. We believe the current sound ordinance is not burdensome to the JDVA (Jamul-Dulzura Vintners Association). We further believe the current sound ordinance is inadequate for the rural areas of the county and should be revised. Sound in rural areas travels

differently and carries much farther than it does in urban settings and a revised ordinance should consider these factors.”

On September 17, 2025, the Rainbow CPG voted 7 ayes, 0 noes, 0 abstained, with 3 absent, to recommend approval of the draft Zoning Ordinance Amendment “on a trial basis for one year to determine the impact of noise on nearby residents and to evaluate the number of complaints received and request the Code Compliance Division to improve their response time to noise complaints.”

Health Care Trailers

On August 18, 2025, the Fallbrook CPG voted 11 ayes, 0 noes, 0 abstained, with 4 absent, to “recommend extending the permit period from 1 to 2 years, require a verification sticker posted on the trailers and codify septic requirements.”

On September 17, 2025, the Rainbow CPG voted 7 ayes, 0 noes, 0 abstained, with 3 absent, to “recommend extending the health care trailer permit from 1 to 2 years, require a verification sticker posted on the trailers, codify septic requirements, require inspections every 6 months and rescind permit if trailer no longer exists, prohibit the coach or mobile home from being visible from abutting streets and require the trailer to be within 50 feet of the main dwelling unless a constraint renders that requirement infeasible, notification to surrounding property owners within 300 feet if an application is submitted, and allow the PDS Director to request a second opinion from a County-appointed physician if PDS receives evidence of non-compliance; the Certificate of Need must confirm that the person requires physical assistance with one of seven specified activities: eating, bathing, continence, dressing, toileting, ambulating with or without assistive devices, or transferring to and from a bed, chair or wheelchair.”

F. ANALYSIS AND DISCUSSION

Wineries: Amplified Live Music at Boutique Wineries

In accordance with a Director’s Determination on Zoning Ordinance interpretation, dated July 25, 2024, fully permitted Boutique Wineries without outstanding code violations can currently have amplified live music indoors if it accompanies the allowed activities, but cannot have amplified live music outdoors. Changes are proposed to the Boutique Winery regulations to allow amplified music as an accessory use to the primary winery activities, indoors or outdoors. The amendments include limitations to ensure by-right allowances for amplified music comply with Noise Ordinance standards at property lines and to ensure consistency with the intent of the Boutique Winery tier. Ordinance revisions clarify that amplified music is not considered an event and may not require a separate paid ticket or entry fee; however, music is allowed as incidental to other allowed winery uses that may be advertised, ticketed, and promoted as incidental to the promotion of the winery.


Updates to the ordinance also clarify that an Entertainment Establishment license through the County Sheriff Licensing Division is required prior to hosting live music (County Code of Regulatory Ordinances, Title 2, Division 1, Chapter 21). This is not a new requirement, rather it is included for transparency and awareness of this requirement. As part of the Entertainment Establishment license application review, the Sheriff will coordinate with PDS to establish the maximum occupancy for the site.

A key consideration for allowing amplified music at boutique wineries is ensuring amplified music does not exceed the standards in the Noise Ordinance. Boutique Wineries are currently allowed by-right (no discretionary permit or CEQA review), unless grading triggers discretionary review. Because by-right projects cannot include site-specific mitigation, new ordinance safeguards are needed to address noise impacts and ensure consistency with the 2010 Tiered Winery Ordinance EIR. To determine appropriate rules to ensure amplified noise at Boutique Wineries

would be consistent with noise standards, a Noise Technical Analysis was prepared, and winery regulatory best practices were reviewed from other wine producing counties.

The noise analysis identified setback distances that would need to be met to comply with the County Noise Ordinance. Depending on volume, the amplified music would need to be setback a minimum distance of 200 feet from the property line or more to meet noise standards. See Table 2 below for typical noise levels associated with various types of music and their noise level at 10 feet from the source. Noise levels will typically reduce by 6 dBA per doubling of distance. Therefore, sound from a single or duo amplified musician generating 75 dBA at 10 feet from the source would reduce by 6 dBA at 20 feet (69 dBA), and another 6 dBA at 40 feet (63 dBA), etc. Therefore, based on these typical sound level reductions, a minimum 200-foot setback from property lines would be the minimum needed to meet Noise Ordinance standards of 50 dBA property during daytime hours.

Table 2: Case Study Typical Noise Levels

Music Volume Level	Illustrative Music Type (Typical Instrumentation) ¹	Noise Level 10 ft from source (dBA) ^{2, 3}
 Loudest (maximum allowable dBA)	Single or Duo Amplified Musician (no full drum set, no electric bass)	75
	Folk/County: Multiple Musicians (drum set, guitar, bass, tambourine, washboard, violin mandolin)	80
	Classical Rock: Multiple Musicians (guitar, drum set, cello, electronic keyboard)	88
	Rock Band: Multiple Musicians (guitar, drum set, electric guitar, bass guitar)	92

1. Music type and instrument typical noise levels are based on case studies included in Attachment D.
2. Noise levels are rounded up to the nearest whole number.
3. Proposed Zoning Ordinance Table 6910.1 provides required setback distances by source noise levels, using a typical 6 dBA reduction per each doubling of distance.

While some winery stakeholders are seeking greater flexibility and reduced setbacks, the best practice research found that the allowances for by-right boutique wineries with amplified music is relatively lenient when compared to other Counties (Sonoma, Santa Cruz, Santa Barbara, Placer) that generally require larger setbacks and discretionary review for wineries and amplified music. Additionally, wineries seeking greater flexibility (e.g., smaller setbacks, higher volumes) have the option to apply for a permit under the Small Winery or Winery tiers which includes a discretionary review. The by-right Boutique Winery tier was intended to support the smallest wineries having the lowest impact on the surrounding community. The proposed regulatory changes to allow amplified music at Boutique Wineries provide a balance between supporting more by-right uses and ensuring Boutique Wineries remain compatible with the surrounding community.

Wineries: Events/Activities and Gatherings

Allowed activities and gatherings at Boutique Wineries include wine production, wine sales, wine tasting, agricultural instruction, and educational tours. The proposed ordinance clarifies that these allowed activities and gatherings at Boutique Wineries may be advertised, ticketed, and promoted as incidental to the promotion of the winery, including wine club activities. Live music is also clarified as incidental to the primary winery use, does not constitute an event, and may not require a separate paid ticket or fee. Other provisions in the Ordinance remain

the same. Events, such as weddings and parties, are still prohibited. Food service is permitted with the allowed activities, provided it is either pre-packaged, prepared offsite by a Department of Environmental Health and Quality (DEHQ) permitted caterer, or supplied by a single DEHQ permitted mobile food facility (e.g., a "food truck"). Community Events regulated by DEHQ and/or the Sheriff under the County Regulatory Code fall under separate regulations and requirements.

While some winery operators have requested greater flexibility for by-right events, limitations are necessary to maintain compatibility with surrounding properties. Wineries may seek expanded event opportunities by applying for a discretionary permit under a different tier (Small Winery or Winery), which allow for evaluation of specific event types, such as weddings, corporate parties, and art shows, on a case-by-case basis.

Wineries: Square Footage and Occupancy Limitations for Public Areas

The draft Zoning Ordinance Amendment simplifies occupancy rules for Boutique Wineries and removes a conflicting provision that limits outdoor seating areas to a maximum of five tables and no more than 20 people. Ordinance language is proposed to clarify that total site occupancy is established by the PDS Building Division and would be calculated for all winery structures and outdoor patios open to the public. The public tasting and retail areas, including patios and live music areas, would remain limited at 30% of the production facility's size, with production facility size limits determined by the property's lot size.

Health Care Trailers

The proposed Zoning Ordinance Amendment would extend the maximum permitting time for health care trailers, from a one-year maximum to a five-year maximum, depending on the duration of need noted in the physician's Certificate of Need. PDS has also incorporated additional recommended text from DEHQ for clarity and consistent interpretation noting that the health care trailer or mobile home must have adequate facilities for living, sleeping, cooking, eating, and sanitation. Proposed text further clarifies the existing requirement for connection to utility systems by noting where no connection to public sewer is available, connection to an onsite wastewater treatment system (OWTS) is required and must meet the standards of the Local Agency Management Program (LAMP). The LAMP is a program that regulates and permits OWTS (i.e., septic systems) to ensure protection of water quality and public health while allowing for the continued use and expansion of these systems.

From a time and cost perspective, the existing requirement for annual health care trailer permit renewal can be burdensome for applicants with ongoing onsite health care needs. Between 2022-2024, 198 health care trailer permits were issued, and 131 of those were permit renewals. The only comments received on the draft Zoning Ordinance Amendment for health care trailers were from the Fallbrook and Rainbow CPGs, referenced in Section E of this report. The process of amending the Zoning Ordinance sections relevant to health care trailers has been focused on addressing the Board direction to extend the maximum permitting time. PDS does not recommend incorporating certain CPG recommendations that would make permitting of health care trailers more restrictive. Stickers are not recommended as they would typically not be visible from outside the property, they are not used for other types of building permits, and there could be logistical issues with expired, lost, or damaged stickers. For public transparency, the County's Citizen Access Portal allows any member of the public to access information to verify if a property has a valid health care trailer permit.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

This project has been reviewed for compliance with CEQA and the proposed actions meet the requirements for an Addendum tiering from the County of San Diego's 2010 Tiered Winery Ordinance Amendment Environmental Impact Report (Tiered Winery EIR) and 2011 General Plan Update Environmental Impact Report (GPU EIR) under CEQA pursuant to Section 15164 of the CEQA Guidelines (Attachment D). The County's Tiered Winery EIR, under ER Log Number 08-00-004, State Clearinghouse Number 2008101047, was certified by the Board of Supervisors on August 4, 2010. The Tiered Winery EIR determined that for 24 of the environmental issues evaluated, impacts

would be significant and unavoidable. For those areas in which environmental impacts would be significant and unavoidable, even with the implementation of mitigation measures (where feasible), overriding considerations exist, making impacts acceptable. The County's GPU EIR, under ER Log Number 02-ZA-00, State Clearinghouse Number 2002111067, was certified by the Board of Supervisors on August 3, 2011. Eleven environmental issues evaluated included impacts that would be significant and unavoidable. For those areas in which environmental impacts will remain significant and unavoidable, even with the implementation of mitigation measures, overriding considerations exist, making the impacts acceptable. The Tiered Winery EIR and the GPU EIR are on file with the County of San Diego, Planning & Development Services.

Upon completing the Environmental Review Update Checklist (PDS2025-ER-25-00-001), dated December 5, 2025, it was determined that the Process Improvements Zoning Ordinance Updates project does not create any new significant environmental impacts, and would not involve substantial changes in the magnitude of impacts identified in the Tiered Winery EIR and the GPU EIR. The modifications are consistent with those analyzed in the Tiered Winery EIR and GPU EIR, resulting in impacts consistent with those analyzed in the Tiered Winery EIR and GPU EIR. Therefore, the changes included in the Process Improvements Zoning Ordinance Updates do not constitute substantial changes that would require major revisions to the prior EIRs and would not cause substantial changes in the circumstances under which development would be undertaken because there are no new significant environmental impacts or substantial increase in severity of previously identified impacts.

Report Prepared By:

Kevin Johnston, Project Manager
(619) 458-2473

Kevin.Johnston@sdcounty.ca.gov

Report Approved By:

Vince Nicoletti, Director
(858) 694-2962

Vince.Nicoletti@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE:

Vince Nicoletti

VINCE NICOLETTI, DIRECTOR

ATTACHMENTS:

Attachment A: Ordinance (clean)

Attachment B: Ordinance (strikeout/underline)

Attachment C: Post-Public Review Edits to the Draft Zoning Ordinance Amendment Text with Rationales

Attachment D: CEQA Documentation

ATTACHMENT A
ORDINANCE (CLEAN)

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ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO HEALTH CARE TRAILERS AND BOUTIQUE WINERIES [PDS2025-POD-25-004]

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 to the Zoning Ordinance to amend the health care trailers regulations and Boutique Wineries regulations are reasonable and necessary for public health, safety, convenience, and welfare.

Section 2. Section 6118 USE OF A TRAILER COACH is amended to read as follows:

6118 USE OF A TRAILER COACH

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

a. Business Uses.

1. Business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the State or a public agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.
2. Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.
3. Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently pursued.
4. Construction office on or adjacent to any site on which a building or construction project is being diligently pursued; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.
5. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.
6. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.

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7. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.
 8. Government service uses in accordance with the provisions of Section 6120.
- b. Residential Uses.
1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.
 2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.
 3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health care or administration of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require health care directed by a health services provider.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer or mobile home not exceeding 800 square feet measured from the interior surface of the exterior walls, with adequate facilities for living, sleeping, cooking, eating, and sanitation for one or more persons.
- b) The trailer shall meet main building setbacks.
- c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible. Where there is no connection to public sewer, prior to the issuance of the building permit, a connection to an onsite wastewater treatment system (OWTS) shall be evaluated and meet the standards of the Local Agency Management Program.
- d) Prior to issuance of a building permit for a health care trailer, a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed upon expiration of the permit. Initial permits

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and subsequent renewals shall be active for a time period determined appropriate by the licensed physician signing the Certificate of Need, with a minimum period of one year and a maximum period of five years.

- e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.
 - f) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of any previously furnished deposit shall be refunded or security released.
4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently pursued and for which security personnel are employed.
 5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which security personnel are employed pending construction of permanent dwelling facilities for such security personnel.
 6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock rushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.
 7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of an officially declared disaster or emergency relating to fire, wind, flood, earthquake or other similar circumstance. An emergency temporary occupancy permit (ETOP) for such a temporary dwelling shall expire at such time as a building permit for the repair or replacement of the principal dwelling has been issued (at which time the ETOP shall be converted to a temporary occupancy permit (TOP) pursuant to subsection b.2), or one year after the declaration date of the event causing the damage or destruction of the principal dwelling, whichever is earlier.

Prior to the expiration of the ETOP, the Director may grant one or more extensions of up to one year each upon making all of the following findings:

- a) That the granting of the extension will not be detrimental to the public health, safety and welfare;
 - b) That there is a special circumstance or a hardship to the displaced residents;
 - c) That the special circumstance or hardship is not the result of the residents own actions.
- c. Termination of Use.

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1. When use of a trailer coach is related to a use authorized by a use permit or Administrative Permit, occupancy or use of the trailer coach shall terminate with the expiration, abandonment or revocation of the related use permit and thereafter said trailer coach shall be removed from subject property.
 2. When use of a trailer coach is related to the construction of a related permanent facility, occupancy or use of the trailer coach shall terminate upon completion of construction of the permanent facility and thereafter said trailer coach shall be removed from subject property.
- d. Compliance with County Code. The use and occupancy of any trailer coach shall comply with the provisions of Chapter 2, of Division 5, Title 5, of the County Code or Regulatory Ordinances relating to trailer coaches.

Section 3. Section 6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES 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, except for permitted uses consistent with the Zoning Ordinance and Agricultural Tourism as defined in Section 6157.b if all qualifying criteria are met.

- a. Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:
1. Prior to 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, if required by the 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

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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 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
TOTAL	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 relating to Noise Abatement and Control.
 7. A Wholesale Limited Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.
- b. Boutique Winery. A Boutique Winery shall comply with the following provisions:

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1. Prior to the occupancy of the winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the 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 in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. No more than 25% of the winery's production may consist of fruit, juice or non-bottled bulk wine 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	Permitted
TOTAL	100%		

- 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

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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, or live music area for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910.b.4 may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. Live music at Boutique Wineries must be accessory to winery sales and tasting activities, and no additional square footage shall be allowed for the live music use, beyond the tasting/retail sales area maximum square footage noted in this Section. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:
 - 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, food-related items, and live music;
 - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes; and
 - 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, including any activities or gatherings that are advertised or promoted. The following types of activities and gatherings are allowed and can be advertised, ticketed and promoted as incidental promotion of the winery:
 - Wine production (including wine clubs)
 - Wine sales (including wine clubs)
 - Wine tasting (including wine clubs)

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- Agricultural instruction (including wine clubs)
- Educational tours (including wine clubs)

Live music, as allowed under certain criteria in this Section, does not constitute an event if it accompanies the permitted commercial activities for the Boutique Winery (wine sales, wine tasting), and the live music does not require a separate paid ticket or other entry fee.

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

7. Amplified live and mechanical music, both indoor and outdoor, is allowed pursuant to the following requirements:
 - i. Winery operators facilitating the performance of live music entertainment by entertainers shall be subject to the San Diego County Code of Regulatory Ordinances, Title 2, Division 1, Chapter 21 requirements regulating Entertainment Establishments (i.e., Entertainment Establishment License). An Entertainment Establishment License does not exempt a winery operator from any Zoning Ordinance requirements.
 - a) Mechanical music produced only by a jukebox, radio, stereo system, hi-fi system, CD player, tape player or other similar device, not accompanied by a disc jockey or other announcer, is allowed pursuant to all applicable standards, criteria, and regulations and is not subject to an Entertainment License.
 - b) A musical performance is not an Agricultural Tourism activity pursuant to Section 6157.b, private event, or concert.
 - c) A Boutique Winery and any accompanying live music shall not be considered a Section 1535 Spectator Sports and Entertainment use.
 - d) Live amplified music shall only be allowed during tasting room hours of operation, from 10:00 a.m. to legal sunset (until 6 p.m. from November 1 to March 1).
 - e) Musical performances can be advertised incidental to promoting a winery.
 - f) Karaoke is prohibited.
 - g) Prior to providing live amplified music, all necessary building permits must be obtained, and all outstanding code violations must be resolved.
 - h) Total site occupancy limits as provided in Section b.16 shall not be exceeded in order to accommodate live music.

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

Outdoor amplified live music shall adhere to the following requirements:

- i. Outdoor amplified music shall comply with the setback requirements and decibel levels provided in Table 6910.1, Sound Levels and Attenuating Setback Distances, to ensure compliance with the County of San Diego Code of Regulatory Ordinances, Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.
- ii. Amplifiers, speakers, and other music amplification devices shall adhere to a minimum 200-foot setback from all property lines. In accordance with Table 6910.1, additional setback distance will be required for sound levels greater than 75 dBA as measured 10 feet from the source. The Zoning Verification Permit process with noise study referenced in Sections 8.iii and 8.iv below does not apply to the 200-foot setback standard.
- iii. A Boutique Winery that cannot meet the Table 6910.1 setback requirements for sound levels greater than 75 dBA as measured 10 feet from the source, due to site-specific constraints, or intends to provide outdoor amplified music louder than 92 dBA, as measured 10 feet from the source, shall submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits. In addition, the site-specific noise study shall identify any required noise attenuating site design features that may be required to meet the property line noise limits.
- iv. A Boutique Winery that is found to be providing live music in excess of property line sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits, based on an investigation by the PDS Code Compliance Division, can be required to submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.

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Table 6910.1 Sound Levels and Attenuating Setback Distances

Music Volume Level	Sound Level 10 ft from source (dBA ¹)	Required Setback from Property Line (Feet) ²
Quieter 	75	200
	76	225
	77	250
	78	275
	79	300
	80	350
	81	400
	82	450
	83	500
	84	550
	85	600
	86	650
	87	700
	88	800
	89	900
	90	1,000
Louder	91	1,200
	92	1,400
<p>1. A-Weighted Sound Level (dBA): The sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network measures sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.</p> <p>2. Setback distances are calculated to ensure a sound level of less than 50 dBA at the property line.</p>		

9. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
10. The 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 and Quality (DEHQ). Catered food service is allowed by a DEHQ-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
 - i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in 6910.b.11;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;

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- ii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from DEHQ and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
- 11. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
- 12. A minimum of six 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.
- 13. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with chip seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes. Any disabled access parking stalls, access aisles, and accessible routes provided for compliance with California Building Code chapter 11B shall be stable, firm, and slip-resistant.
- 14. Vehicles with a capacity in excess of 15 passengers are not allowed to serve the Boutique Winery.
- 15. A Boutique Winery shall demonstrate compliance with the adopted standards of the applicable fire service provider.
- 16. Total site occupancy for a Boutique Winery shall be limited to the combined sum of the maximum occupancy for all permitted winery structures and patios (covered and uncovered patios) open to the public. During building permit review and as part of PDS input for Entertainment Establishment licensing (for wineries seeking an Entertainment Establishment license to host live music), the PDS Building and Zoning Division will set maximum occupancy for all commercial winery structures and patios open to the public, to inform the maximum site occupancy.
- c. Small Winery. A Small Winery shall comply with the following provisions:
 - 1. Prior to the occupancy of the winery structures and the production of wine, a Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 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 with San Diego County

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grown grapes. 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) For wineries 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. For wineries 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

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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.

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- 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 adopted standards of the applicable fire service provider.

APPROVED AS TO FORM AND LEGALITY

David J. Smith, County Counsel

By: Justin Crumley, Senior Deputy County Counsel

ATTACHMENT B
ORDINANCE
(STRIKEOUT/UNDERLINE)

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ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO HEALTH CARE TRAILERS AND BOUTIQUE WINERIES [PDS2025-POD-25-004]

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 to the Zoning Ordinance to amend the health care trailers regulations and Boutique Wineries regulations are reasonable and necessary for public health, safety, convenience, and welfare.

Section 2. Section 6118 USE OF A TRAILER COACH is amended to read as follows:

6118 USE OF A TRAILER COACH

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

a. Business Uses.

1. Business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the State or a public agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.
2. Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.
3. Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently pursued.
4. Construction office on or adjacent to any site on which a building or construction project is being diligently pursued; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.
5. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.
6. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.

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7. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.
 8. Government service uses in accordance with the provisions of Section 6120.
- b. Residential Uses.
1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.
 2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.
 3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health care or administration of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require ~~physical~~ health care directed by a health services provider.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer or mobile home not exceeding 800 square feet measured from the interior surface of the exterior walls, with adequate facilities for living, sleeping, cooking, eating, and sanitation for one or more persons.
- b) The trailer shall meet main building setbacks.
- c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible. Where there is no connection to public sewer, prior to the issuance of the building permit, a connection to an onsite wastewater treatment system (OWTS) shall be evaluated and meet the standards of the Local Agency Management Program.
- d) Prior to issuance of a building permit for a health care trailer, a Certificate of Need signed by a physician licensed to practice medicine in the State of

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California shall be submitted to and approved by the Director. The Certificate shall be renewed ~~annually~~ upon expiration of the permit. Initial permits and subsequent renewals shall be active for a time period determined appropriate by the licensed physician signing the Certificate of Need, with a minimum period of one year and a maximum period of five years.

- e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.
- f) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of any previously furnished deposit shall be refunded or security released.
- 4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently pursued and for which security personnel are employed.
- 5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which security personnel are employed pending construction of permanent dwelling facilities for such security personnel.
- 6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock rushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.
- 7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of an officially declared disaster or emergency relating to fire, wind, flood, earthquake or other similar circumstance. An emergency temporary occupancy permit (ETOP) for such a temporary dwelling shall expire at such time as a building permit for the repair or replacement of the principal dwelling has been issued (at which time the ETOP shall be converted to a temporary occupancy permit (TOP) pursuant to subsection b.2), or one year after the declaration date of the event causing the damage or destruction of the principal dwelling, whichever is earlier.

Prior to the expiration of the ETOP, the Director may grant one or more extensions of up to one year each upon making all of the following findings:

- a) That the granting of the extension will not be detrimental to the public health, safety and welfare;
- b) That there is a special circumstance or a hardship to the displaced residents;

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- c) That the special circumstance or hardship is not the result of the residents own actions.
- c. Termination of Use.
 - 1. When use of a trailer coach is related to a use authorized by a use permit or Administrative Permit, occupancy or use of the trailer coach shall terminate with the expiration, abandonment or revocation of the related use permit and thereafter said trailer coach shall be removed from subject property.
 - 2. When use of a trailer coach is related to the construction of a related permanent facility, occupancy or use of the trailer coach shall terminate upon completion of construction of the permanent facility and thereafter said trailer coach shall be removed from subject property.
- d. Compliance with County Code. The use and occupancy of any trailer coach shall comply with the provisions of Chapter 2, of Division 5, Title 5, of the County Code or Regulatory Ordinances relating to trailer coaches.

Section 3. Section 6910 WHOLESALE LIMITED, BOUTIQUE AND SMALL WINERIES 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, ~~with the exception of Temporary Agritourism Community Events as defined in Section 6157.b.4~~ except for permitted uses consistent with the Zoning Ordinance and Agricultural Tourism as defined in Section 6157.b if all qualifying criteria are met.

- a. Wholesale Limited Winery. A Wholesale Limited Winery shall comply with the following provisions:
 - 1. Prior to 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, if required by the 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.

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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
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
TOTAL	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.

(Underline indicates addition)

(Strikeout indicates deletion)

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 adopted standards of the applicable fire service provider.
- b. Boutique Winery. A Boutique Winery shall comply with the following provisions:
1. Prior to the occupancy of the winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 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 in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. No more than 25% of the winery's production may consist of fruit, juice or non-bottled bulk wine 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	Permitted
TOTAL	100%		

- 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:

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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, or live music area for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910.b.4 may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. Live music at Boutique Wineries must be accessory to winery sales and tasting activities, and no additional square footage shall be allowed for the live music use, beyond the tasting/retail sales area maximum square footage noted in this Section. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:
 - 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,~~ and live music;
 - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes; and
 - v. Internet, phone and mail-order sales are allowed.

(Underline indicates addition)

(Strikeout indicates deletion)

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. The following types of activities and gatherings are allowed and can be advertised, ticketed and promoted as incidental promotion of the winery:

- Wine production (including wine clubs)
- Wine sales (including wine clubs)
- Wine tasting (including wine clubs)
- Agricultural instruction (including wine clubs)
- Educational tours (including wine clubs)

Live music, as allowed under certain criteria in this Section, does not constitute an event if it accompanies the permitted commercial activities for the Boutique Winery (wine sales, wine tasting), and the live music does not require a separate paid ticket or other entry fee.

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

7. Amplified live and mechanical music, both indoor and outdoor, is allowed pursuant to the following requirements:

- i. Winery operators facilitating the performance of live music entertainment by entertainers shall be subject to the San Diego County Code of Regulatory Ordinances, Title 2, Division 1, Chapter 21 requirements regulating Entertainment Establishments (i.e., Entertainment Establishment License). An Entertainment Establishment License does not exempt a winery operator from any Zoning Ordinance requirements.
 - a) Mechanical music produced only by a jukebox, radio, stereo system, hi-fi system, CD player, tape player or other similar device, not accompanied by a disc jockey or other announcer, is allowed pursuant to all applicable standards, criteria, and regulations and is not subject to an Entertainment License.
 - b) A musical performance is not an Agricultural Tourism activity pursuant to Section 6157.b, private event, or concert.
 - c) A Boutique Winery and any accompanying live music shall not be considered a Section 1535 Spectator Sports and Entertainment use.
 - d) Live amplified music shall only be allowed during tasting room hours of operation, from 10:00 a.m. to legal sunset (until 6 p.m. from November 1 to March 1).

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- e) Musical performances can be advertised incidental to promoting a winery.
 - f) Karaoke is prohibited.
 - g) Prior to providing live amplified music, all necessary building permits must be obtained, and all outstanding code violations must be resolved.
 - h) Total site occupancy limits as provided in Section b.16 shall not be exceeded in order to accommodate live music.
8. Outdoor amplified music levels shall comply with the sound level limits at property lines as provided in the County of San Diego Code of Regulatory Ordinances, Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits (50 dBA at the property line). All sound measurements shall be conducted in accordance with guidelines provided in the San Diego County Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.403, Sound Level Measurement. For the purposes of this Section, outdoor is defined as any location that is not within a fully enclosed structure.

Outdoor amplified live music shall adhere to the following requirements:

- i. Outdoor amplified music shall comply with the setback requirements and decibel levels provided in Table 6910.1, Sound Levels and Attenuating Setback Distances, to ensure compliance with the County of San Diego Code of Regulatory Ordinances, Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.
- ii. Amplifiers, speakers, and other music amplification devices shall adhere to a minimum 200-foot setback from all property lines. In accordance with Table 6910.1, additional setback distance will be required for sound levels greater than 75 dBA as measured 10 feet from the source. The Zoning Verification Permit process with noise study referenced in Sections 8.iii and 8.iv below does not apply to the 200-foot setback standard.
- iii. A Boutique Winery that cannot meet the Table 6910.1 setback requirements for sound levels greater than 75 dBA as measured 10 feet from the source, due to site-specific constraints, or intends to provide outdoor amplified music louder than 92 dBA, as measured 10 feet from the source, shall submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits. In addition, the site-specific noise


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study shall identify any required noise attenuating site design features that may be required to meet the property line noise limits.

- iv. A Boutique Winery that is found to be providing live music in excess of property line sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits, based on an investigation by the PDS Code Compliance Division, can be required to submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.

Table 6910.1 Sound Levels and Attenuating Setback Distances

<u>Music Volume Level</u>	<u>Sound Level 10 ft from source (dBA)¹</u>	<u>Required Setback from Property Line (Feet)²</u>
Quieter  Louder	75	200
	76	225
	77	250
	78	275
	79	300
	80	350
	81	400
	82	450
	83	500
	84	550
	85	600
	86	650
	87	700
	88	800
	89	900
	90	1,000
	91	1,200
	92	1,400
1. <u>A-Weighted Sound Level (dBA): The sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network measures sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.</u>		
2. <u>Setback distances are calculated to ensure a sound level of less than 50 dBA at the property line.</u>		

9. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
10. The 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 and Quality (DEHQ). Catered food service is allowed by a

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DEHQ-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.

- i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in 6910.b.8-11;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - ii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from ~~the Department of Environmental Health~~ DEHQ and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
11. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
12. A minimum of six 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.
13. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with ~~c~~Chip ~~s~~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.~~
- ~~14. 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 adopted standards of the applicable fire service provider.
16. Total site occupancy for a Boutique Winery shall be limited to the combined sum of the maximum occupancy for all permitted winery structures and patios (covered and uncovered patios) open to the public. During building permit review and as

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part of PDS input for Entertainment Establishment licensing (for wineries seeking an Entertainment Establishment license to host live music), the PDS Building and Zoning Division will set maximum occupancy for all commercial winery structures and patios open to the public, to inform the maximum site occupancy.

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

1. Prior to the occupancy of the winery structures and the production of wine, a Small Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the Bureau, and a current 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 with San Diego County grown grapes. 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 County	San Diego	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:

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~~(Strikeout indicates deletion)~~

- 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) For wineries 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. For wineries 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.

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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 adopted standards of the applicable fire service provider.

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APPROVED AS TO FORM AND LEGALITY

David J. Smith, County Counsel

By: Justin Crumley, Senior Deputy County Counsel

ATTACHMENT C
POST-PUBLIC REVIEW EDITS TO
THE DRAFT ZONING ORDINANCE
AMENDMENT TEXT WITH
RATIONALES

ATTACHMENT C

POST-PUBLIC REVIEW EDITS TO THE DRAFT ZONING ORDINANCE AMENDMENT TEXT WITH RATIONALES

Post-public review (after the 9/15/25 end of public review) edits to the draft Zoning Ordinance Amendment text are only proposed for the Ordinance section addressing amplified live music at Boutique Wineries. The draft Zoning Ordinance Amendment text for health care trailers is the same as it was during public review.

This version of the Zoning Ordinance amendment text does not include portions of Zoning Ordinance Section 6910 that wouldn't be affected by the proposed amendments, including Sections 6910.a (specifically addressing Wholesale Limited Wineries) and 6910.c (specifically addressing Small Wineries). Attachments A (Draft Ordinance – Clean) and B (Draft Ordinance – Strikeout/Underline) include all of Section 6910 in clean and strikeout/underline versions.

The public review and comment period for the draft Zoning Ordinance Amendment text associated with the Process Improvements Zoning Ordinance Updates project occurred from July 21, 2025, through September 15, 2025. In the strikeout/underline version below, of the Zoning Ordinance section addressing Boutique Wineries, post-public review edits to the draft Zoning Ordinance text are highlighted in yellow. Below each section highlighted, a brief rationale for the post-public review edit is provided in bold font. Please note the following table that serves as a key to font types, strikeout/underline, and highlighting found in the draft Zoning Ordinance Amendment text.

Font and highlighting	Purpose
Strikeout, no highlights	Existing Zoning Ordinance text proposed for removal; unchanged from the public review version
Underline, no highlights	Proposed addition to Zoning Ordinance text; unchanged from the public review version
Strikeout highlighted in yellow; regular font	Existing Zoning Ordinance text proposed for removal; proposed removal with post-public review edits
Underline highlighted in yellow; regular font	Proposed addition to Zoning Ordinance text; proposed addition with post-public review edits
Strikeout highlighted in yellow; <i>italics font</i>	Addition to Zoning Ordinance text that was proposed in the public review version; with post-public review edits, it is no longer proposed to be added
Underline highlighted in yellow; <i>italics font</i>	Proposed addition to Zoning Ordinance text; proposed addition received changed wording with post-public review edits
Bold font in a text box	Brief rationale text that is provided below the highlighted post-public review edit. The rationale text not proposed as Zoning Ordinance text.

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, ~~with the exception of Temporary Agritourism Community Events as defined in Section 6157.b.4~~ except for permitted uses consistent with the Zoning Ordinance and Agricultural Tourism as defined in Section 6157.b if all qualifying criteria are met.

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

1. Prior to the occupancy of the winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the 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 in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. No more than 25% of the winery's production may consist of fruit, juice or non-bottled bulk wine 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	Permitted
TOTAL	100%		

- 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, or live music area for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910.b.4 may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. Live music at Boutique Wineries must be accessory to winery sales and tasting activities, and no additional structures or structure square footage shall be allowed for the live music use, beyond the tasting/retail sales area maximum square footage noted in this Section. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:

Rationale for highlighted post-public review edit: The proposed text would not have addressed the situation of a winery seeking to add a patio or other type of structure to accommodate live music. The maximum square footage for the sales/tasting area is not proposed to change and that maximum square footage effectively regulates the size of sales/tasting areas, which is where live music can be provided if all requirements are met.

- 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, and live music;
- iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes; and
- v. Internet, phone and mail-order sales are allowed.

Rationale for highlighted post-public review edit above: This edit is to ensure consistent interpretation. The sales/tasting area is the publicly accessible area for Boutique Wineries, so “live music” was added to this Section that defines a tasting/sales area, including what it is dedicated for.

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. The following types of activities and gatherings are allowed and can be advertised, ticketed and promoted as incidental promotion of the winery:
- Wine production (including wine clubs)
 - Wine sales (including wine clubs)
 - Wine tasting (including wine clubs)
 - Agricultural instruction (including wine clubs)
 - Educational tours (including wine clubs)

Live music, as allowed under certain criteria in this Section, does not constitute an event if it accompanies the permitted commercial activities for the Boutique Winery (wine sales, wine tasting), and the live music does not require a separate paid ticket or other entry fee.

Rationale for highlighted post-public review edit above: These edits are also to ensure consistent interpretation. Currently, the Zoning Ordinance does not prohibit private wine club gatherings at Boutique Wineries, though it does limit the types of activities and gatherings that can be allowed, to those listed above. To address many public review comments, these text additions explicitly refer to allowing wine clubs if associated with allowed activities only. The text referencing live music received a post-public review edit to clarify live music can’t require a separate ticket. In other words, wine club gatherings associated with allowed activities can include live music and tickets if meeting all requirements but can’t require a separate ticket for the live music.

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

7. Amplified live and mechanical music, both indoor and outdoor, is allowed pursuant to the following requirements:
 - i. Winery operators facilitating the performance of live music entertainment by entertainers shall be subject to the San Diego County Code of Regulatory Ordinances, Title 2, Division 1, Chapter 21 requirements regulating Entertainment Establishments (i.e., Entertainment Establishment License). An Entertainment Establishment License does not exempt a winery operator from any Zoning Ordinance requirements.
 - a) Mechanical music produced only by a jukebox, radio, stereo system, hi-fi system, CD player, tape player or other similar device, not accompanied by a disc jockey or other announcer, is allowed pursuant to all applicable standards, criteria, and regulations and is not subject to an Entertainment License.
 - b) A musical performance is not an Agricultural Tourism activity pursuant to Section 6157.b, private event, or concert.
 - c) A Boutique Winery and any accompanying live music shall not be considered a Section 1535 Spectator Sports and Entertainment use.
 - d) Live amplified music shall only be allowed during tasting room hours of operation, from 10:00 a.m. to legal sunset (until 6 p.m. from November 1 to March 1).
 - e) Musical performances can be advertised incidental to promoting a winery. ~~but must be publicly accessible to all visitors. Music or entertainment presented for a price of admission is prohibited.~~
 - f) Karaoke is prohibited.
 - g) Prior to providing live amplified music, all necessary building permits must be obtained, and all outstanding code violations must be resolved.
 - h) Total site occupancy limits as provided in Section ~~b.17~~ 16 shall not be exceeded in order to accommodate live music.

Rationale for highlighted post-public review edit to Section 7.h above: With the proposed deletion of existing Section 6910.b.14 in the post-public review edits, what was to be Section b.17 would now become Section b.16. That is the section on how maximum site occupancy is calculated. See the text box under Section 6 for the rationale that also applies to Section 7.e above.

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

Outdoor amplified live music shall adhere to the following requirements:

- i. Outdoor amplified music shall comply with the setback requirements and decibel levels provided in Table 6910.1, Sound Levels and Attenuating Setback Distances, to ensure compliance with the County of San Diego Code of Regulatory Ordinances, Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.
- ii. Amplifiers, speakers, and other music amplification devices shall adhere to a minimum 200-foot setback from all property lines. In accordance with Table 6910.1, additional setback distance will be required for sound levels greater than 75 dBA as measured 10 feet from the source. The Zoning Verification Permit process with noise study referenced in Sections 8.iii and 8.iv below does not apply to the 200-foot setback standard.
- iii. A Boutique Winery that cannot meet the Table 6910.1 setback requirements for sound levels greater than 75 dBA as measured 10 feet from the source, due to site-specific constraints, or intends to provide outdoor amplified music louder than 92 dBA, as measured 10 feet from the source, shall submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits. In addition, the site-specific noise study shall identify any required noise attenuating site design features that may be required to meet the property line noise limits.
- iv. A Boutique Winery that is found to be providing live music in excess of property line sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits, based on an investigation by the PDS Code Compliance Division, can be required to submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.

Table 6910.1 Sound Levels and Attenuating Setback Distances

<u>Music Volume Level</u>	<u>Sound Level 10 ft from source (dBA¹)</u>	<u>Required Setback from Property Line (Feet)²</u>
<div>Quieter</div> <div>↓</div> <div>Louder</div>	75	200
	76	225
	77	250
	78	275
	79	300
	80	350
	81	400
	82	450
	83	500
	84	550
	85	600
	86	650
	87	700
	88	800
	89	900
	90	1,000
	91	1,200
	92	1,400
1. <u>A-Weighted Sound Level (dBA): The sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network measures sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.</u> 2. <u>Setback distances are calculated to ensure a sound level of less than 50 dBA at the property line.</u>		

9. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
10. The 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 and Quality (DEHQ). Catered food service is allowed by a DEHQ-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
 - i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in 6910.b.8 11;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health DEHQ and shall

conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.

11. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
12. A minimum of six 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.
13. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with Chip Seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes. 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.~~
- ~~14. 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 11.~~

Rationale for highlighted post-public review edit above: An interpretation issue has become apparent, in relation to Section 6910.b.5, which references the maximum square footage of a tasting/retail sales area and in defining the tasting/retail sales area, references, among other uses, “food-related items.” Some staff and stakeholders have interpreted the outdoor eating area in existing Section 6910.b.14 as part of the sales/tasting area referenced in existing Section 6910.b.5, and some have interpreted it as a separate area. Therefore, this post-public review edit would remove the existing Section 6910.b.14 text, as Section 6910.b.5 already establishes with more clarity, the maximum size of a tasting/retail sales area that includes food-related items. In addition, the draft addition to the Zoning Ordinance text in the new Section 6910.b.16 provides more clarity on how maximum site occupancy is calculated, which includes the maximum occupancy of the tasting/retail sales area. Concerns with Section 6910.b.14 were prevalent in comments during public review, and this post-public review edit is connected to the direction to address allowing amplified live music, as that would occur in the publicly accessible tasting/retail sales area.

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 adopted standards of the applicable fire service provider.
16. Total site occupancy for a Boutique Winery shall be limited to the combined sum of the maximum occupancy for all permitted winery structures and patios (covered and uncovered patios) open to the public, ~~plus the 20-person maximum occupancy allowed for outdoor seating as specified in subsection b.14.~~ During building permit review and as part of PDS input for Entertainment Establishment licensing (for wineries seeking an Entertainment Establishment license to host live music), the PDS Building and Zoning Division will set maximum occupancy for all commercial winery structures and patios open to the public, to inform the maximum site occupancy.

Rationale for highlighted post-public review edit above: With the post-public review edit to remove the text in existing Section 6910.b.14, the reference to the text in that section would be removed from this section on calculating maximum site occupancy. Post-public review proposed additional text for this section is needed to ensure the PDS Building and Zoning Division will set maximum occupancies for all types of publicly accessible commercial patios for Boutique Wineries. Currently a maximum occupancy is only set for commercial patios when customers have to exit through an adjacent structure. As discussed during public review outreach, a maximum site occupancy is essential to ensure health and safety and inform the Entertainment Establishment licensing process through the Sheriff, with that license required in order to host live music.

ATTACHMENT D
CEQA DOCUMENTATION



VINCE NICOLETTI
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND DRIVE, SUITE 210, SAN DIEGO, CALIFORNIA 92123
(858) 505-6445 General • (858) 694-2705 Codes Compliance
(858) 565-5920 Building Services

December 5, 2025

**AN ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT
REPORTS FOR THE COUNTY OF SAN DIEGO TIERED WINERY ORDINANCE (SCH
2008101047) AND GENERAL PLAN UPDATE
(SCH 2002111067)
FOR THE PURPOSES OF CONSIDERATION OF THE
PROCESS IMPROVEMENTS ZONING ORDINANCE UPDATES PROJECT
PDS2025-POD-25-004, PDS2025-ER-25-00-001**

CEQA Guidelines Section 15164(a) states that an Addendum to a previously certified Environmental Impact Report (EIR) may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 or 15163 calling for the preparation of a subsequent or supplemental EIR have occurred.

California Environmental Quality Act (CEQA) Guidelines Section 15164 applies to the Process Improvements Zoning Ordinance Updates (project). There are some changes and additions which need to be included in an Addendum to the previously certified EIRs for the County of San Diego (County) Tiered Winery Ordinance and the County General Plan Update (GPU) in accordance with CEQA Guidelines Section 15164. These modifications would not involve a substantial increase in the severity of previously identified significant effects identified in the EIRs and would not create new potentially significant impacts that would require new mitigation.

Location

The proposed Zoning Ordinance Amendment text would be applicable to all areas of the unincorporated County under County land use jurisdiction.

Background

On August 4, 2010, the County Board of Supervisors adopted the 2010 Tiered Winery Ordinance Amendment. This ordinance amendment applied to approximately 441,000 acres of privately owned property within unincorporated areas of the County within the A70 (Limited Agriculture) and A72 (General Agriculture) Zones. The 2010 Tiered Winery EIR entailed amendments to the County's Zoning Ordinance to introduce a new winery use type, Small Winery, and revised previously existing regulations for the Wholesale Limited Winery and Boutique Winery uses to allow these uses by-right, but subject to specified standards and limitations, in the A70 and A72 Zones. An EIR for the 2010 Tiered Winery Ordinance Amendment, Environmental Review Number 08-00-004, State Clearinghouse Number 2008101047, was certified by the County Board of Supervisors on August 4, 2010.

On August 3, 2011, the County Board of Supervisors adopted a comprehensive update to the County General Plan. The General Plan provides a framework for land use and development decisions in the unincorporated County, including a Mobility Element Network for the entire unincorporated County, and for each individual Community and Subregional Plan Area in the unincorporated County. The Mobility Element Network for Valley Center addresses planned road improvements to accommodate the GPU Land Use Map; including road classifications correlating to the number of lanes, typical right-of-way width, medians, and, in some cases, special circumstance requirements such as turn lanes and passing lanes. In addition, the Mobility Element Network identifies bicycle network classifications. A Program EIR for the County's GPU, Environmental Review Number 02-ZA-001, State Clearinghouse Number 2002111067, was certified by the County Board of Supervisors on August 3, 2011.

Project Changes

Amplified Live Music at Boutique Wineries Component

This project component entails amendments to Section 6910 of the San Diego County Zoning Ordinance (San Diego County Code of Regulatory Ordinances [County Code] Title 8, *Zoning and Land Use Regulations*, Division 6 [Miscellaneous Land Use Regulations]). As directed by the Board, the project would allow for the incorporation of amplified live music at Boutique Wineries. The project component would include regulations to allow indoor and outdoor amplified music at Boutique Wineries. The amendments would not change requirements specified in the San Diego County Code of Regulatory Ordinances Title 2, Division 1, Chapter 21 (Entertainment Establishment License requirement). Updates to the Zoning Ordinance for this component would be limited to amendments to facilitate amplified live music, while not expanding existing allowances for structure square footage and occupancy limits. The proposed revisions to Section 6910(b) of the County Zoning Ordinance are shown below. Underlined text identifies newly proposed text, strikeout text identifies existing text proposed to be removed, and text with no strikeout or underline identifies existing text proposed to remain.

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, ~~with the exception of Temporary Agritourism Community Events as defined in Section 6157.b.4~~ except for permitted uses consistent with the Zoning Ordinance and Agricultural Tourism as defined in Section 6157.b if all qualifying criteria are met.

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

1. Prior to the occupancy of the winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the 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 in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. No more than 25% of the winery's production may consist of fruit, juice or non-bottled bulk wine 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	Permitted
TOTAL	100%		

- 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

Lot Size (gross)	Production Facility Size (cumulative max.)
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, or live music area for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910.b.4 may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. Live music at Boutique Wineries must be accessory to winery sales and tasting activities, and no additional square footage shall be allowed for the live music use, beyond the tasting/retail sales area maximum square footage noted in this Section. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:
 - 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,~~ and live music;
 - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes; and
 - 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. The following types of activities and gatherings are allowed and can be advertised, ticketed and promoted as incidental promotion of the winery:
 - Wine production (including wine clubs)
 - Wine sales (including wine clubs)
 - Wine tasting (including wine clubs)

- Agricultural instruction (including wine clubs)
- Educational tours (including wine clubs)

Live music, as allowed under certain criteria in this Section, does not constitute an event if it accompanies the permitted commercial activities for the Boutique Winery (wine sales, wine tasting), and the live music does not require a separate paid ticket or other entry fee.

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

7. Amplified live and mechanical music, both indoor and outdoor, is allowed pursuant to the following requirements:

i. Winery operators facilitating the performance of live music entertainment by entertainers shall be subject to the San Diego County Code of Regulatory Ordinances, Title 2, Division 1, Chapter 21 requirements regulating Entertainment Establishments (i.e., Entertainment Establishment License). An Entertainment Establishment License does not exempt a winery operator from any Zoning Ordinance requirements.

- a) Mechanical music produced only by a jukebox, radio, stereo system, hi-fi system, CD player, tape player or other similar device, not accompanied by a disc jockey or other announcer, is allowed pursuant to all applicable standards, criteria, and regulations and is not subject to an Entertainment License.
- b) A musical performance is not an Agricultural Tourism activity pursuant to Section 6157.b, private event, or concert.
- c) A Boutique Winery and any accompanying live music shall not be considered a Section 1535 Spectator Sports and Entertainment use.
- d) Live amplified music shall only be allowed during tasting room hours of operation, from 10:00 a.m. to legal sunset (until 6 p.m. from November 1 to March 1).
- e) Musical performances can be advertised incidental to promoting a winery.
- f) Karaoke is prohibited.
- g) Prior to providing live amplified music, all necessary building permits must be obtained, and all outstanding code violations must be resolved.

- h) Total site occupancy limits as provided in Section b.16 shall not be exceeded in order to accommodate live music.

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

Outdoor amplified live music shall adhere to the following requirements:

- i. Outdoor amplified music shall comply with the setback requirements and decibel levels provided in Table 6910.1, Sound Levels and Attenuating Setback Distances, to ensure compliance with the County of San Diego Code of Regulatory Ordinances, Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.
- ii. Amplifiers, speakers, and other music amplification devices shall adhere to a minimum 200-foot setback from all property lines. In accordance with Table 6910.1, additional setback distance will be required for sound levels greater than 75 dBA as measured 10 feet from the source. The Zoning Verification Permit process with noise study referenced in Subsections 8.iii and 8.iv below does not apply to the 200-foot setback standard.
- iii. A Boutique Winery that cannot meet the Table 6910.1 setback requirements for sound levels greater than 75 dBA as measured 10 feet from the source, due to site-specific constraints, or intends to provide outdoor amplified music louder than 92 dBA, as measured 10 feet from the source, shall submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits. In addition, the site-specific noise study shall identify any required noise attenuating site design features that may be required to meet the property line noise limits.
- iv. A Boutique Winery that is found to be providing live music in excess of property line sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits, based on an investigation by the PDS Code Compliance Division, can be required to submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show

how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.

Table 6910.1 Sound Levels and Attenuating Setback Distances

<u>Music Volume Level</u>	<u>Sound Level 10 ft from source (dBA¹)</u>	<u>Required Setback from Property Line (Feet)²</u>
<div>Quieter</div> <div>↓</div> <div>Louder</div>	<u>75</u>	<u>200</u>
	<u>76</u>	<u>225</u>
	<u>77</u>	<u>250</u>
	<u>78</u>	<u>275</u>
	<u>79</u>	<u>300</u>
	<u>80</u>	<u>350</u>
	<u>81</u>	<u>400</u>
	<u>82</u>	<u>450</u>
	<u>83</u>	<u>500</u>
	<u>84</u>	<u>550</u>
	<u>85</u>	<u>600</u>
	<u>86</u>	<u>650</u>
	<u>87</u>	<u>700</u>
	<u>88</u>	<u>800</u>
	<u>89</u>	<u>900</u>
	<u>90</u>	<u>1,000</u>
	<u>91</u>	<u>1,200</u>
	<u>92</u>	<u>1,400</u>
<p>1. <u>A-Weighted Sound Level (dBA): The sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network measures sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.</u></p> <p>2. <u>Setback distances are calculated to ensure a sound level of less than 50 dBA at the property line.</u></p>		

9. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.

10. The 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 and Quality (DEHQ). Catered food service is allowed by a DEHQ-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.

- i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in 6910.b.8 11;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from the Department of Environmental Health DEHQ and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
11. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
12. A minimum of six 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.
13. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with cChip sSeal, 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.~~
- ~~14. 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 adopted standards of the applicable fire service provider.
16. Total site occupancy for a Boutique Winery shall be limited to the combined sum of the maximum occupancy for all permitted winery structures and patios (covered and uncovered patios) open to the public. During building permit review and as part of PDS input for Entertainment Establishment licensing (for wineries seeking an Entertainment Establishment license to host live music), the PDS Building and Zoning Division will set maximum occupancy for all commercial winery structures and patios open to the public, to inform the maximum site occupancy.

Health Care Trailers Component

Section 6118(b)(3) of the County Zoning Ordinance defines a health care trailer as a dwelling for temporary health care on a lot where there is a permanent single-family dwelling, used exclusively for temporary occupancy by providers of health care services that are required by an occupant of the main dwelling or relatives of an occupant of the main dwelling who require physical care. Prior to issuance of a building permit for a health care trailer, a Certificate of Need signed by a physician licensed to practice medicine in the State of California must be submitted to and approved by the County Director of Planning & Development Services (PDS). Pursuant to the existing Zoning Ordinance, a Certificate of Need for a temporary health care trailer must be renewed on an annual basis.

The proposed project would amend the County Zoning Ordinance Section 6118(b)(3)(d) to extend the maximum permitting time for health care trailers to up to five years, dependent on the duration noted in the physician's Certificate of Need. The appropriate time period would be determined by the licensed physician signing the Certificate of Need. The proposed revisions to Section 6118(b)(3) of the County Zoning Ordinance are shown below. Underlined text identifies newly proposed text, strikeout text identifies existing text proposed to be removed, and text with no strikeout or underline identifies existing text proposed to remain.

6118 USE OF A TRAILER COACH

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.
2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling-provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.
3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health care or administration of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require ~~physical care~~ health care directed by a health services provider.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer or mobile_home not exceeding 800 square feet measured from the interior surface of the exterior walls, with adequate facilities for living, sleeping, cooking, eating, and sanitation for one or more persons.
- b) The trailer shall meet main building setbacks.
- c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible. Where there is no connection to public sewer, prior to the issuance of the building permit, a connection to an on-site wastewater treatment system (OWTS) shall be evaluated and meet the standards of the Local Agency Management Program.
- d) Prior to issuance of a building permit for a health care trailer, a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually upon expiration of the permit. Initial permits and subsequent renewals shall be active for a time period determined appropriate by the licensed physician signing the Certificate of Need, with a minimum period of one year and a maximum period of five years.
- e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.
- f) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of any previously furnished deposit shall be refunded or security released.

Finding

It is the finding of Planning & Development Services that the previous environmental documents as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164, preparation of a new EIR or Negative Declaration is not required.

Attachment

Environmental Review Checklist Form (CEQA Section 15162 Findings)



VINCE NICOLETTI
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND DRIVE, SUITE 210, SAN DIEGO, CALIFORNIA 92123
(858) 505-6445 General • (858) 694-2705 Codes Compliance
(858) 565-5920 Building Services

December 5, 2025

**Environmental Review Update Checklist Form
For Projects with Previously Approved Environmental Documents**

**FOR PURPOSES OF CONSIDERATION OF THE
PROCESS IMPROVEMENTS ZONING ORDINANCE UPDATES PROJECT (ADDRESSING LIVE
MUSIC AT BOUTIQUE WINERIES & HEALTH CARE TRAILER PERMITTING DURATION)
PDS2025-POD-25-004, PDS2025-ER-25-00-001**

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.

The proposed Process Improvements Zoning Ordinance Updates Project (project) includes proposed changes to the County of San Diego Zoning Ordinance to allow for the incorporation of live music at Boutique Wineries and to extend the maximum permitting time for health care trailers, in unincorporated areas of San Diego County.

1. Background on the previously certified EIR:

The 2010 Tiered Winery Zoning Ordinance Amendment Environmental Impact Report (2010 Tiered Winery EIR) (State Clearinghouse [SCH] No. 2008101047) applied to approximately 441,000 acres of privately owned property within unincorporated areas of San Diego County (County) within the A70 (Limited Agriculture) and A72 (General Agriculture) Zones. The 2010 Tiered Winery EIR entailed amendments to the County's Zoning Ordinance to introduce a new winery use type, Small Winery, and revised previously existing regulations for the Wholesale Limited Winery and Boutique Winery uses to allow these uses by-right, but subject to specified standards and limitations, in the A70 and A72 Zones. Ordinance No. 10067, *An Ordinance Amending the Zoning Ordinance to Amend Existing and Introduce New Winery Packing and Processing Use Types*, was adopted on August 4, 2010.

The certified 2010 Tiered Winery EIR evaluated potentially significant effects for the following environmental areas of potential concern: (1) Agriculture Resources; (2) Air Quality; (3) Biological Resources; (4) Contamination and Hazardous Materials; (5) Cultural Resources; (6) Hydrology and Water Quality; (7) Land Use and Neighborhood Character; (8) Noise; (9) Paleontology Resources; (10) Public Safety and Emergency Services; (11) Transportation/Traffic; and (12) Water Supply and Groundwater Supply. The following environmental areas were found not

significant in an Initial Study prepared in 2008, and thus were not further analyzed in the 2010 Tiered Winery EIR: (1) Aesthetics; (2) Airport Hazards; (3) Emergency Response Plans; (4) Geologic Hazards; (5) Groundborne Vibration/Noise; (6) Mineral Resources; (7) Odors; (8) Population and Housing; (9) Public Services; (10) Recreation; (11) Utilities and Service Systems; and (12) Vectors.

Of the evaluated environmental subject areas, it was determined that the following environmental subjects would not involve potentially significant impacts: Agriculture Resources, Contamination and Hazardous Materials, Land Use and Neighborhood Character, Paleontology Resources, and Public Safety and Emergency Services. The certified Final EIR found that the 2010 Tiered Winery Zoning Ordinance Amendment would cause significant and unmitigated effects for the following areas: Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Noise, Transportation/Traffic, and Water Supply and Groundwater Supply. A Statement of Overriding Considerations was made in approving the 2010 Tiered Winery EIR. The previously certified 2010 Tiered Winery EIR is available at <https://www.sandiegocounty.gov/content/sdc/pds/advance/Winery.html>.

A Program EIR for the County General Plan Update (2011 GPU EIR) (SCH No. 2002111067) was certified by the County Board of Supervisors on August 3, 2011. The certified 2011 GPU EIR evaluated potentially significant effects for the following environmental areas of potential concern: (1) Aesthetics; (2) Agricultural Resources; (3) Air Quality; (4) Biological Resources; (5) Cultural and Paleontological Resources; (6) Geology and Soils; (7) Hazards and Hazardous Materials; (8) Hydrology and Water Quality; (9) Land Use; (10) Mineral Resources; (11) Noise; (12) Population and Housing; (13) Public Services; (14) Recreation; (15) Transportation and Traffic; (16) Utilities and Service Systems; and (17) Global Climate Change.

Of these environmental subject areas, it was determined that only Geology and Soils and Population and Housing would not involve potentially significant impacts. The certified Final Program EIR found that the General Plan Update would cause significant effects which could be mitigated to a level below significance for the following areas: Cultural and Paleontological Resources, Land Use, Recreation, and Global Climate Change. Effects to Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Public Services, Transportation and Traffic, and Utilities and Service Systems remained significant and unavoidable. A Statement of Overriding Considerations was made in approving the General Plan Update. The previously certified 2011 GPU EIR is available at www.sdcounty.ca.gov/pds/gpupdate/environmental.html.

2. Lead agency name and address:

County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 210
San Diego, California 92123-1239

- a. Contact: Kevin Johnston, Land Use/Environmental Planner III
- b. Phone number: (619) 458-2473
- c. Email: kevin.johnston@sdcounty.ca.gov

3. Project applicant name and address:

County of San Diego, Planning & Development Services
5510 Overland Avenue, Suite 210
San Diego, California 92123-1239

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

The entirety of San Diego County is bounded by Orange and Riverside Counties to the north, Imperial County to the east, the United States–Mexico international border to the south, and the Pacific Ocean to the west. The proposed project comprises an amendment to the Zoning Ordinance and would affect properties in unincorporated portions of San Diego County that are under the land use jurisdiction of the County of San Diego. Therefore, it would not apply to lands in incorporated cities or to state, federal, or tribal lands.

Background**Amplified Live Music at Boutique Wineries Component**

In 2010, the County Board of Supervisors (Board) adopted the Tiered Winery Ordinance and certified the 2010 Tiered Winery EIR for the Tiered Winery Ordinance. The 2010 Tiered Winery EIR proposed amendments to the Zoning Ordinance for each of the winery use types, as described below:

Wholesale Limited Winery

The general result of the Zoning Ordinance Amendment included in the 2010 Tiered Winery EIR allowed for an increase of the amount of by-right wine production from 7,500 to 12,000 gallons per year. No discretionary permit is required for an existing Wholesale Limited Winery to increase production pursuant to this amendment.

Boutique Winery

The general result of the Zoning Ordinance Amendment included in the 2010 Tiered Winery EIR allowed Boutique Wineries to provide on-site tasting and direct sales to the public by-right. No discretionary permit is required for the establishment of a Boutique Winery or for an existing Wholesale Limited Winery to become a Boutique Winery. Under the adopted Tiered Winery Ordinance, Boutique Wineries continue to share the same limitations on the size of on-site structure(s) used in the production of wine as Wholesale Limited Wineries but are allowed to have an on-site tasting/retail sales area that may operate from 10:00 a.m. until legal sunset seven days a week. The tasting/retail sales area can be accessory to wine production and shall not exceed 30 percent of the total square footage of the structure(s) used for wine production. Under the adopted 2010 Tiered Winery Ordinance, events, including but not limited to weddings and parties, and amplified sound were prohibited.

Small Winery

The general result of the Zoning Ordinance Amendment allowed for the creation of a new tier: Small Winery. Under the adopted Tiered Winery Ordinance, wine production is limited to less than or equal to 120,000 gallons annually. The Zoning Ordinance Amendment allows for events upon approval of an Administrative Permit.

No changes were made to the existing general “Winery” classification as part of the adopted Tiered Winery Ordinance.

In 2016, the Tiered Winery Ordinance was amended and an Addendum to the Final EIR was adopted to satisfy the requirements of CEQA. The ordinance was amended to clarify the intent and resolve discrepancies within the limitations of the certified 2010 Tiered Winery EIR. In 2017, the Board adopted the Agricultural Promotion Program and certified the associated EIR (SCH No. 2015061047), which expanded wineries as an allowable use into the S92 Zone.

On February 28, 2024, the Board directed County staff to explore avenues for Boutique Wineries to incorporate amplified live music within certain parameters.

Health Care Trailers Component

On August 3, 2011, the Board adopted a comprehensive update to the County General Plan (2011 GPU EIR). The General Plan provides a framework for land use and development decisions in the unincorporated County. The 2011 GPU EIR was certified by the Board on August 3, 2011. The 2011 GPU EIR assumed potential impact assumptions associated with Zoning Ordinance regulations in place at the time, including the regulations associated with health care trailers, in addition to (and in relation to) covering proposed updates to the General Plan and Zoning Ordinance with the 2011 GPU project.

On September 14, 2022, the Board directed staff to prepare revisions to the Zoning Ordinance to allow for an extension of the annual Certificate of Need renewal requirement to a longer period of time. The Board's direction is aimed at reducing regulatory burdens for those utilizing temporary health care trailers.

Project Changes

Amplified Live Music at Boutique Wineries Component

This project component entails amendments to Section 6910 of the San Diego County Zoning Ordinance (San Diego County Code of Regulatory Ordinances [County Code] Title 8, *Zoning and Land Use Regulations*, Division 6 [Miscellaneous Land Use Regulations]). As directed by the Board, the project would allow for the incorporation of amplified live music at Boutique Wineries. The project component would include regulations to allow indoor and outdoor amplified music at Boutique Wineries. The amendments would not change requirements specified in the San Diego County Code of Regulatory Ordinances Title 2, Division 1, Chapter 21 (Entertainment Establishment License requirement). Updates to the Zoning Ordinance for this component would be limited to amendments to facilitate amplified live music, while not expanding existing allowances for structure square footage and occupancy limits. The proposed revisions to Section 6910(b) of the County Zoning Ordinance are shown below. Underlined text identifies newly proposed text, strikeout text identifies existing text proposed to be removed, and text with no strikeout or underline identifies existing text proposed to remain.

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, ~~with the exception of Temporary Agritourism Community Events as defined in Section 6157.b.4~~ except for permitted uses consistent with the Zoning Ordinance and Agricultural Tourism as defined in Section 6157.b if all qualifying criteria are met.

- b. Boutique Winery. A Boutique Winery shall comply with the following provisions:
1. Prior to the occupancy of the winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the 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 in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. No more than 25% of the winery's production may consist of fruit, juice or non-bottled bulk wine 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	Permitted
TOTAL	100%		

- 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

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, or tasting/retail sales area, or live music area for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910.b.4 may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. Live music at Boutique Wineries must be accessory to winery sales and tasting activities, and no additional square footage shall be allowed for the live music use, beyond the tasting/retail sales area maximum square footage noted in this Section. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:
 - 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,~~ and live music;
 - iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes; and
 - 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. The following types of activities and gatherings are allowed and can be advertised, ticketed and promoted as incidental promotion of the winery:
 - Wine production (including wine clubs)
 - Wine sales (including wine clubs)
 - Wine tasting (including wine clubs)
 - Agricultural instruction (including wine clubs)

- Educational tours

Live music, as allowed under certain criteria in this Section, does not constitute an event if it accompanies the permitted commercial activities for the Boutique Winery (wine sales, wine tasting), and the live music does not require a separate paid ticket or other entry fee.

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

7. Amplified live and mechanical music, both indoor and outdoor, is allowed pursuant to the following requirements:

i. Winery operators facilitating the performance of live music entertainment by entertainers shall be subject to the San Diego County Code of Regulatory Ordinances, Title 2, Division 1, Chapter 21 requirements regulating Entertainment Establishments (i.e., Entertainment Establishment License). An Entertainment Establishment License does not exempt a winery operator from any Zoning Ordinance requirements.

- a) Mechanical music produced only by a jukebox, radio, stereo system, hi-fi system, CD player, tape player or other similar device, not accompanied by a disc jockey or other announcer, is allowed pursuant to all applicable standards, criteria, and regulations and is not subject to an Entertainment License.
- b) A musical performance is not an Agricultural Tourism activity pursuant to Section 6157.b, private event, or concert.
- c) A Boutique Winery and any accompanying live music shall not be considered a Section 1535 Spectator Sports and Entertainment use.
- d) Live amplified music shall only be allowed during tasting room hours of operation, from 10:00 a.m. to legal sunset (until 6 p.m. from November 1 to March 1).
- e) Musical performances can be advertised incidental to promoting a winery.
- f) Karaoke is prohibited.
- g) Prior to providing live amplified music, all necessary building permits must be obtained, and all outstanding code violations must be resolved.
- h) Total site occupancy limits as provided in Section b.16 shall not be exceeded in order to accommodate live music.

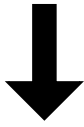
8. Outdoor amplified music levels shall comply with the sound level limits at property lines as provided in the County of San Diego Code of Regulatory Ordinances, Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits (50 dBA at the property line). All sound measurements shall be conducted in accordance with guidelines provided in the San Diego County Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.403, Sound Level Measurement. For the

purposes of this Section, outdoor is defined as any location that is not within a fully enclosed structure.

Outdoor amplified live music shall adhere to the following requirements:

- i. Outdoor amplified music shall comply with the setback requirements and decibel levels provided in Table 6910.1, Sound Levels and Attenuating Setback Distances, to ensure compliance with the County of San Diego Code of Regulatory Ordinances, Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.
- ii. Amplifiers, speakers, and other music amplification devices shall adhere to a minimum 200-foot setback from all property lines. In accordance with Table 6910.1, additional setback distance will be required for sound levels greater than 75 dBA as measured 10 feet from the source. The Zoning Verification Permit process with noise study referenced in Subsections 8.iii and 8.iv below does not apply to the 200-foot setback standard.
- iii. A Boutique Winery that cannot meet the Table 6910.1 setback requirements for sound levels greater than 75 dBA as measured 10 feet from the source, due to site-specific constraints, or intends to provide outdoor amplified music louder than 92 dBA, as measured 10 feet from the source, shall submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits. In addition, the site-specific noise study shall identify any required noise attenuating site design features that may be required to meet the property line noise limits.
- iv. A Boutique Winery that is found to be providing live music in excess of property line sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits, based on an investigation by the PDS Code Compliance Division, can be required to submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.

Table 6910.1 Sound Levels and Attenuating Setback Distances

<u>Music Volume Level</u>	<u>Sound Level 10 ft from source (dBA)¹</u>	<u>Required Setback from Property Line (Feet)²</u>
Quieter  Louder	75	200
	76	225
	77	250
	78	275
	79	300
	80	350
	81	400
	82	450
	83	500
	84	550
	85	600
	86	650
	87	700
	88	800
	89	900
	90	1,000
	91	1,200
	92	1,400
1. <u>A-Weighted Sound Level (dBA): The sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network measures sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.</u> 2. <u>Setback distances are calculated to ensure a sound level of less than 50 dBA at the property line.</u>		

9. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
10. The 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 and Quality (DEHQ). Catered food service is allowed by a DEHQ-permitted caterer, but no food preparation is allowed at a Boutique Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.
 - i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in 6910.b.8 11;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from ~~the Department of Environmental Health~~ DEHQ and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.

11. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
12. A minimum of six 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.
13. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with chip seal, gravel, or an alternative surfacing material such as recycled asphalt suitable for lower traffic volumes. 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.~~
- ~~14. 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 adopted standards of the applicable fire service provider.
16. Total site occupancy for a Boutique Winery shall be limited to the combined sum of the maximum occupancy for all permitted winery structures and patios (covered and uncovered patios) open to the public. During building permit review and as part of PDS input for Entertainment Establishment licensing (for wineries seeking an Entertainment Establishment license to host live music), the PDS Building and Zoning Division will set maximum occupancy for all commercial winery structures and patios open to the public, to inform the maximum site occupancy.

Health Care Trailers Component

Section 6118(b)(3) of the County Zoning Ordinance defines a health care trailer as a dwelling for temporary health care on a lot where there is a permanent single-family dwelling, used exclusively for temporary occupancy by providers of health care services that are required by an occupant of the main dwelling or relatives of an occupant of the main dwelling who require physical care. Prior to issuance of a building permit for a health care trailer, a Certificate of Need signed by a physician licensed to practice medicine in the State of California must be submitted to and approved by the County Director of Planning & Development Services (PDS). Pursuant to the existing Zoning Ordinance, a Certificate of Need for a temporary health care trailer must be renewed on an annual basis.

The proposed project would amend the County Zoning Ordinance Section 6118(b)(3)(d) to extend the maximum permitting time for health care trailers to up to five years, dependent on the duration noted in the physician's Certificate of Need. The appropriate time period would be determined by the licensed physician signing the Certificate of Need. The proposed revisions to

Section 6118(b)(3) of the County Zoning Ordinance are shown below. Underlined text identifies newly proposed text, strikeout text identifies existing text proposed to be removed, and text with no strikeout or underline identifies existing text proposed to remain.

6118 USE OF A TRAILER COACH

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.
2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.
3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health care or administration of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require ~~physical~~ care health care directed by a health services provider.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer or mobile home not exceeding 800 square feet measured from the interior surface of the exterior walls, with adequate facilities for living, sleeping, cooking, eating, and sanitation for one or more persons.
- b) The trailer shall meet main building setbacks.
- c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible. Where there is no connection to public sewer, prior to the issuance of the building permit, a connection to an on-site wastewater treatment system (OWTS) shall be evaluated and meet the standards of the Local Agency Management Program.
- d) Prior to issuance of a building permit for a health care trailer, a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually upon expiration of the permit. Initial permits and subsequent renewals shall be active for a time period determined appropriate by the licensed physician signing the Certificate of Need, with a minimum period of one year and a maximum period of five years.

- e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.
- f) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of any previously furnished deposit shall be refunded or security released.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES NO
☒ ☐

Amplified Live Music at Boutique Wineries Component

As explained further in Section 4 above, this component would expand on the existing allowances for Boutique Wineries, to allow amplified live music at Boutique Wineries if certain Zoning Ordinance regulations can be met.

Health Care Trailers Component

As explained further in Section 4 above, this component would extend the maximum permitting time for use of a health care trailer from a current maximum of one year to a maximum of five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. The 2011 GPU EIR assumed pre-2011 Zoning Ordinance regulations, with the one-year maximum.

6. 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. It should be noted that the 2010 Tiered Winery EIR was adopted in 2010 and the 2011 GPU EIR was adopted in 2011, both prior to the addition of energy, tribal cultural resources, and wildfire topics to the CEQA Guidelines Appendix G in 2018. In addition, the 2010 Tiered Winery EIR referenced the issue topic of geologic hazards, and the 2011 GPU EIR referenced the issue topic of geology and soils. Geology and soils is referenced in this document for consistency with the latest guidance; however, the potential impact criteria for geology and soils addresses all the criteria covered in the 2010 Tiered Winery EIR under geologic hazards. Revisions to the CEQA Guidelines do not constitute new information of substantial importance or changes in circumstance pursuant to CEQA Guidelines Section 15162(a)(3). Although these new CEQA Guidelines questions are not required to be incorporated into this analysis, the analysis addresses these issues in the context of other environmental topics. Specifically, the air quality section evaluates the effects of greenhouse gas (GHG) emissions and energy consumption. The

cultural resources section evaluates paleontological resources and tribal cultural resources. The hazards/hazardous materials section evaluates impacts related to wildfire.

☒ NONE

☐ Aesthetics

☐ Biological Resources

☐ Global Climate Change

☐ Land Use and Planning

☐ Population and Housing

☐ Transportation/Traffic

☐ Agriculture Resources

☐ Cultural Resources

☐ Hazards and Hazardous
Materials

☐ Mineral Resources

☐ Public Services

☐ Utilities and Service Systems

☐ Air Quality

☐ Geology and Soils

☐ Hydrology and Water Quality

☐ Noise

☐ Recreation

☐ 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 adopted ND or 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 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 ENVIRONMENTAL IMPACT REPORT EIR is required.


 Signature

 Kevin Johnston
 Printed Name

 December 5, 2025
 Date

 Land Use/Environmental Planner III
 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.

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 Sections 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.

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; substantially degrade existing visual character or quality of the site and its surroundings; and/or create a new source of light or glare which would adversely affect day or nighttime views in the area?

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have less than significant impacts associated with aesthetic resources.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project component would not cause one or more effects to aesthetics including: scenic vistas; scenic resources within a state scenic highway; substantially degrade existing visual character or quality of the site and its surroundings; and/or create a new source of light or glare which would adversely affect day or nighttime views in the area. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to aesthetic resources.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to aesthetics. Project implementation would not result in impacts (direct or indirect) related to aesthetics beyond those analyzed in the 2010 Tiered Winery EIR. Therefore, impacts related to aesthetics would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts to aesthetic resources would be less than significant for scenic vistas and scenic resources with the incorporation of mitigation measures. However, impacts to visual character/quality and light/glare were determined to be significant and unavoidable, even with the implementation of mitigation measures. As such, a Statement of Overriding Considerations was adopted for aesthetic resources pursuant to CEQA Guidelines Sections 15091 and 15093.

This proposed project component would extend the time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any new physical improvements or development. Therefore, the proposed project component would not cause one or more effects to aesthetics including: scenic vistas; scenic resources within a state scenic highway; substantially degrade existing visual character or quality of the site and its surroundings; and/or create a new source of light or glare which would adversely affect day or nighttime views in the area. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to aesthetic resources.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to aesthetics. Project implementation would not result in impacts (direct or indirect) related to aesthetics beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to aesthetics would be consistent with those previously identified in the 2011 GPU 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 and 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; conflict with zoning for or cause rezoning 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]); result in the loss or conversion of forest land; and/or involve other changes which could result in the

conversion of Farmland to a non-agricultural use or conversion of forest land to a non-forest use?

YES NO
☐ ☒

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have no impact on agricultural resources.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project component would not cause one or more effects to agriculture and 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; conflict with zoning for forest land or timberland; result in the loss or conversion of forest land; and/or involve other changes which could result in the conversion of Farmland to a non-agricultural use. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to agriculture and forestry resources.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to agriculture and forestry resources. Project implementation would not result in impacts (direct or indirect) related to agriculture and forestry resources beyond those analyzed in the 2010 Tiered Winery EIR. Therefore, impacts related to agriculture and forestry resources would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts to agriculture resources would be less than significant for land use conflicts relative to Williamson Act contract lands with incorporation of mitigation measures. However, direct and indirect impacts from the conversion of agricultural land to non-agricultural uses were determined to be significant and unavoidable, even with the implementation of mitigation measures. As such, a Statement of Overriding Considerations was adopted for agriculture resources pursuant to CEQA Guidelines Sections 15091 and 15093.

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, depending on the duration of need

noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any new physical improvements or development. Therefore, the proposed project component would not cause one or more effects to agriculture and 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; conflict with zoning for forest land or timberland; result in the loss or conversion of forest land; and/or involve other changes which could result in the conversion of Farmland to a non-agricultural use. Accordingly, the project component would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to agriculture and forestry resources.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to agriculture and forestry resources. Project implementation would not result in impacts (direct or indirect) related to agriculture and forestry resources beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to agriculture and forestry resources would be consistent with those previously identified in the 2011 GPU 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: conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy or applicable portions of the State Implementation Plan; 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; creation of objectionable odors affecting a substantial number of people; generation of greenhouse gas (GHG) emissions that may have a significant impact on the environment; and/or conflict with applicable plans, policies or regulations adopted for the purpose of reducing GHG emissions?

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have significant and unmitigated impacts in regard to conformance to federal and state ambient air quality standards, as simultaneous construction could occur under the approved Zoning Ordinance Amendment. Impacts were found to be less than significant in regard to conformance with a local air quality plan, impacts to sensitive receptors, and odors. During preparation of the 2010 Tiered

Winery EIR, CEQA regulations and the County's CEQA thresholds did not require the analysis of potential impacts related to GHG emissions. In compliance with California Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, which required the California Air Resources Board to adopt rules and regulations that would reduce GHG emissions to 1990 levels by 2020, the 2010 Tiered Winery EIR used the California Air Resources Board's recommended threshold of 7,000 metric tons of carbon dioxide equivalent per year to determine significant impacts. GHG emission impacts were found to be cumulatively significant and unmitigated. Mitigation measures were found to be infeasible as the 2010 Tiered Winery EIR addressed impacts associated with the approved Zoning Ordinance Amendment and not an individual development project. Furthermore, the 2010 Tiered Winery EIR pertained to by-right uses, for certain types of winery tiers. These uses would not be subject to discretionary approval, and accordingly, no additional environmental review was necessary. Therefore, impacts were found to be significant and unmitigated because there would be no enforcement mechanism to guarantee resource avoidance or compliance with environmental regulations. As such, a Statement of Overriding Considerations was adopted for air quality pursuant to CEQA Guidelines Sections 15091 and 15093.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project would not cause one or more effects to air quality including: conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy or applicable portions of the State Implementation Plan; 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; creation of objectionable odors affecting a substantial number of people; and/or contribution of GHG emissions that would impede meeting the AB 32 targets for GHG reduction. Implementation of the proposed project would not allow for an increase in square footage, nor would it allow for an increase in maximum occupancy at Boutique Wineries; thus, the proposed changes would not facilitate additional vehicle trips. Accordingly, the project component would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to air quality.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or "new information of substantial importance" that would cause one or more effects related to air quality. Project implementation would not result in impacts (direct or indirect) related to air quality.

beyond those analyzed in the 2010 Tiered Winery EIR. Therefore, impacts related to air quality would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that air quality impacts would be less than significant related to conflicts with air quality plans and objectionable odors. However, impacts associated with air quality violations, non-attainment criteria pollutants, and impacts to sensitive receptors were determined to be significant and unavoidable even with the incorporation of mitigation measures. As such, a Statement of Overriding Considerations was adopted for air quality pursuant to CEQA Guidelines Sections 15091 and 15093. Unlike the 2010 Tiered Winery EIR, the 2011 GPU EIR analyzed the effects related to GHG emissions in a stand-alone section; the reader is referred to Section VII, Global Climate Change, below for the discussion on GHG emissions for this project component.

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the proposed project component would not cause one or more effects to air quality including: conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy or applicable portions of the State Implementation Plan; 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; and/or creation of objectionable odors affecting a substantial number of people. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to air quality.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to air quality. Project implementation would not result in impacts (direct or indirect) related to air quality beyond those analyzed in the 2011 GPU EIR. Therefore, impacts relative to air quality would be consistent with those previously identified in the 2011 GPU EIR.

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: substantial adverse effect on any 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; substantial adverse effects on any sensitive natural community (including riparian habitat); 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; conflict with any local policies or ordinances protecting biological resources; and/or conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan?

YES NO
☐ ☒

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have significant and unmitigated impacts associated with candidate, sensitive, and special-status species; riparian habitat and other sensitive natural communities; wetlands regulated by federal and state agencies; and wildlife movement. Impacts regarding conformance with adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans were found to be less than significant. Mitigation measures were found to be infeasible as the 2010 Tiered Winery EIR addressed impacts associated with the approved Zoning Ordinance Amendment and not an individual development project. Furthermore, the 2010 Tiered Winery EIR pertained to by-right uses, for certain types of winery tiers. These uses would not be subject to discretionary approval, and accordingly, no additional environmental review was necessary. Therefore, impacts were found to be significant and unmitigated because there would be no enforcement mechanism to guarantee resource avoidance or compliance with environmental regulations. As such, a Statement of Overriding Considerations was adopted for biological resources pursuant to CEQA Guidelines Sections 15091 and 15093.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project component would not cause one or more effects to biological resources including: substantial adverse effect on any 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; substantial adverse effects on any sensitive natural community (including riparian habitat); 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; conflict with any local policies or ordinances protecting biological resources; and/or conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or

other approved local, regional or state habitat conservation plan. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects in regard to biological resources.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to biological resources. Project implementation would not result in impacts (direct or indirect) related to biological resources beyond those analyzed in the 2010 Tiered Winery EIR. Therefore, impacts related to biological resources would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts related to conflicts with applicable local policies and ordinance, Habitat Conservation Plans or Natural Community Conservation Plans would be less than significant without mitigation incorporated. Impacts associated with federally protected wetlands and conflicts with local biological resources related policies and ordinances would be less than significant with incorporation of mitigation measures. However, impacts to special-status species, riparian habitats, and wildlife movement corridors and nursery sites were determined to be significant and unavoidable, even with the incorporation of mitigation measures. As such, a Statement of Overriding Considerations was adopted for biological resources pursuant to CEQA Guidelines Sections 15091 and 15093.

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the proposed project component would not cause one or more effects to biological resources including: substantial adverse effect on any 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; substantial adverse effects on any sensitive natural community (including riparian habitat); 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; conflict with any local policies or ordinances protecting biological resources; and/or conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan. Accordingly, the project component would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to biological resources.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to biological resources. Project implementation would not result in impacts (direct or indirect) related to biological resources beyond those analyzed in the 2011 GPU EIR. Therefore, impacts

related to biological resources would be consistent with those previously identified in the 2011 GPU 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 resource as defined in State CEQA Guidelines Section 15064.5; causing a change in the significance of an archaeological resource as defined in State CEQA Guidelines Section 15064.5; disturbing any human remains, including those interred outside of formal cemeteries; and/or directly or indirectly destroying a unique paleontological resource or site?

YES NO
☐ ☒

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have a significant and unmitigated impact associated with historical resources and archaeological resources. Impacts to human remains were found to be less than significant in compliance with Section 87.429 of the County’s Grading Ordinance, which requires all grading activities to be suspended and the County Official to be notified if human remains or Native American artifacts are discovered during grading operations. Impacts to paleontological resources were found to be less than significant in compliance with Section 87.430 of the Grading Ordinance, which requires monitoring and notification to avoid paleontological resources. Mitigation measures were found to be infeasible as the 2010 Tiered Winery EIR addressed impacts associated with the approved Zoning Ordinance Amendment and not an individual development project. Furthermore, the 2010 Tiered Winery EIR pertained to by-right uses, for certain types of winery tiers. These uses would not be subject to discretionary approval, and accordingly, no additional environmental review was necessary. Therefore, impacts were found to be significant and unmitigated because there would be no enforcement mechanism to guarantee resource avoidance or compliance with environmental regulations. As such, a Statement of Overriding Considerations was adopted for cultural resources pursuant to CEQA Guidelines Sections 15091 and 15093.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project would not cause one or more effects to cultural resources including: causing a change in the significance of a historical resource as defined in State CEQA Guidelines Section 15064.5; causing a change in the significance

of an archaeological resource as defined in State CEQA Guidelines Section 15064.5; disturbing any human remains, including those interred outside of formal cemeteries; and/or destroying a paleontological resource or site or unique geologic feature. Thus, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to cultural resources.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to cultural resources. Project implementation would not result in impacts (direct or indirect) related to cultural resources beyond those analyzed in the 2010 Tiered Winery EIR. Therefore, impacts related to cultural resources would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts related to cultural resources, including historical resources, archaeological resources, paleontological resources, and human remains, would be less than significant with the incorporation of mitigation measures.

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the proposed project component would not cause one or more effects to cultural resources including: causing a change in the significance of a historical resource as defined in State CEQA Guidelines Section 15064.5; causing a change in the significance of an archaeological resource as defined in State CEQA Guidelines Section 15064.5; disturbing any human remains, including those interred outside of formal cemeteries; and/or destroying a paleontological resource or site or unique geologic feature. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to cultural resources.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to cultural resources. Project implementation would not result in impacts (direct or indirect) related to cultural resources beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to cultural resources would be consistent with those previously identified in the 2011 GPU 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, strong seismic ground shaking, seismic-related ground failure, including

liquefaction, 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 NO
☐ ☒

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have a less than significant impact associated with geologic hazards and unstable geologic conditions, with this section of the EIR addressing the criteria for geology and soils, referenced above.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project would not cause one or more effects related to 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, strong seismic ground shaking, seismic-related ground failure, including liquefaction, 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. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to geology and soils.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to geology and soils. Project implementation would not result in impacts (direct or indirect) related to geology and soils beyond those analyzed in the 2010 Tiered Winery EIR. Additionally, consistent with the 2010 Tiered Winery EIR, future projects would be subject to project-specific development review for building permits (in accordance with Zoning Ordinance allowances for structures and square footage that were in place prior to initiation of this

project), including adherence to standards for the protection against geological hazards as deemed applicable. Therefore, proposed project impacts related to geology and soils would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts to geology and soils would be less than significant. No mitigation measures were required.

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the proposed project component would not cause one or more effects related to 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, strong seismic ground shaking, seismic-related ground failure, including liquefaction, 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. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to geology and soils.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to geology and soils. Project implementation would not result in impacts (direct or indirect) related to geology and soils beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to geology and soils would be consistent with those previously identified in the 2011 GPU EIR.

VII. GLOBAL CLIMATE CHANGE

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 associated with greenhouse gas (GHG) emissions including: generation of GHG emissions that may have a significant impact on the environment; and/or conflict with applicable plans, policies or regulations adopted for the purpose of reducing GHG emissions?

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR included the analysis of impacts associated with GHG emissions under the Air Quality section; refer to Section III, Air Quality, above for the discussion of GHG emissions regarding this proposed project component.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts associated with global climate change and GHG emissions would be less than significant with incorporation of mitigation measures. The 2011 GPU EIR was determined to be in compliance with the requirements of AB 32 and to result in less than significant impacts related to potential effects of global climate change, in particular with regard to effects on water supply, wildfires, energy needs, and public health.

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the proposed project component would not cause one or more effects related to global climate change including: generation of GHG emissions that may have a significant impact on the environment; and/or conflict with applicable plans, policies or regulations adopted for the purpose of reducing GHG emissions. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to global climate change or GHG emissions.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to global climate change or GHG emissions. Project implementation would not result in impacts (direct or indirect) related to global climate change and GHG emissions beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to global climate change and GHG emissions would be consistent with those previously identified in the 2011 GPU EIR.

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; emit hazardous emissions or handle 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 resulting in a safety hazard or excessive noise 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; vector exposure; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires?

YES NO
☐ ☒

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have less than significant impacts associated with an increase in the transportation, storage, use, and disposal of hazardous materials; 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; development in the vicinity or on hazardous materials sites, or within the vicinity of public or private airports; location of hazardous materials within a one-quarter mile of an existing or proposed school or daycare; impairment of emergency response and evacuation plans; vector exposure; and wildland fires.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project would not cause one or more effects associated with 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; emit hazardous emissions or handle 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 resulting in a safety hazard or excessive noise 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; increase current or future residents' and visitors' exposure to vectors; and/or

exposure of people or structures to a significant risk of loss, injury or death involving wildland fires. As such, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to hazards and hazardous materials.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to hazards and hazardous materials. Project implementation would not result in impacts (direct or indirect) related to hazards and hazardous materials beyond those analyzed in the 2010 Tiered Winery EIR. Therefore, impacts related to hazardous materials would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts related to the transport, use, or disposal of hazardous materials, accidental release of hazardous materials, use of hazardous materials within proximity to schools, location on a site that may create hazard to the public or the environment, or the potential for increased human exposure to vectors would be less than significant without the requirement for mitigation measures. Impacts associated with public and private airport operations and interference with emergency evacuation and response plans were determined to be less than significant with the incorporation of mitigation measures. Impacts related to wildland fires were determined to be significant and unavoidable, even with the implementation of mitigation measures. As such, a Statement of Overriding Considerations was adopted relative to wildland fires pursuant to CEQA Guidelines Sections 15091 and 15093.

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the proposed project component would not cause one or more effects to hazards or 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; emit hazardous emissions or handle 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 result in a safety hazard or excessive noise 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; increase current or future residents' and visitors' exposure to vectors; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires. Accordingly, the project would not result in a new significant environmental effect or

substantial increase in the severity of previously identified significant effects related to hazards and hazardous materials.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to hazards and hazardous materials. Project implementation would not result in impacts (direct or indirect) related to hazards and hazardous materials beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to hazards and hazardous materials would be consistent with those previously identified in the 2011 GPU 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; and/or conflict with or obstruct implementation of a water quality plan or sustainable groundwater management plan?

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have significant and unmitigated impacts associated with surface water quality and erosion/siltation. Impacts were less than significant related to drainage, flooding, and groundwater quality. The 2010 Tiered Winery EIR determined there was no impact regarding groundwater recharge. Mitigation measures were found to be infeasible as the 2010 Tiered Winery EIR addressed impacts associated with the approved Zoning Ordinance Amendment and not an individual development project. Furthermore, the 2010 Tiered Winery EIR pertained to by-right uses, for certain types of winery tiers. These uses would not be subject to discretionary approval, and accordingly,

no additional environmental review would be conducted. Therefore, impacts were found to be significant and unmitigated because there would be no enforcement mechanism to guarantee resource avoidance or compliance with environmental regulations. As such, a Statement of Overriding Considerations was adopted for hydrology and water quality pursuant to CEQA Guidelines Sections 15091 and 15093.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project would not result in one or more effects associated with hydrology and water quality including: violation of any water quality or waste discharge requirements or otherwise substantially degrade surface or groundwater quality; result in an increase in any pollutant or polluted runoff; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; 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; impede or redirect flood flows; and/or result in release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. Thus, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to hydrology and water quality.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to hydrology and water quality. Project implementation would not result in impacts (direct or indirect) related to hydrology and water quality beyond those analyzed in the 2010 Tiered Winery EIR. Additionally, consistent with the 2010 Tiered Winery EIR, future projects would be subject to project-specific development review for building permits (in accordance with Zoning Ordinance allowances for structures and square footage that were in place prior to initiation of this project), including adherence to standards for the protection of hydrology and water quality as deemed applicable. Therefore, proposed project impacts relative to hydrology and water quality would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts associated with hydrology and water quality would be less than significant with the incorporation of mitigation measures, with the exception of impacts regarding the degradation of water quality and conformance with

water quality standards requirements, and groundwater supplies and recharge, which were determined to be significant and unavoidable, even with the incorporation of mitigation measures. As such, a Statement of Overriding Considerations was adopted for hydrology and water quality pursuant to CEQA Guidelines Sections 15091 and 15093.

This proposed project component would increase the maximum permit duration period for a health care trailer from one year to five years, depending on the time period of need noted in the Certificate of Need by a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the project would not cause one or more effects to hydrology and water quality including: violation of any water quality or waste discharge requirements or otherwise substantially degrade surface or groundwater quality; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; 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; impede or redirect flood flows; in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; and/or conflict with or obstruct implementation of a water quality plan or sustainable groundwater management plan. As such, this project component would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to hydrology and water quality.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more substantial adverse physical impacts related to hydrology and water quality. Project implementation would not result in impacts (direct or indirect) related to hydrology and water quality beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to hydrology and water quality would be consistent with those previously identified in the 2011 GPU 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 impacts associated with land use and planning including: physically dividing an established community; conflict 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; and/or conflict with any applicable habitat conservation plan (HCP) or natural community conservation plan (NCCP)?

YES NO
☐ ☒

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have no impacts associated with conflicting with applicable land use plans, policies, and regulations, or the division of an established community.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries.

Further, this project component would be in conformance with particularly relevant General Plan Policies N-1.1 and N-1.2. Policy N-1.1 requires the use of the County's Noise Compatibility Guidelines and Noise Standards when determining exterior and interior noise levels for proposed land uses. The proposed Zoning Ordinance Amendment text was developed in compliance with the County's Noise Guidelines and relevant Noise Ordinance sections regarding noise limits, as explained further in Section XII of this document, and is therefore in conformance with Policy N-1.1 and the referenced General Plan Table N-1. Policy N-1.2 contains strategies to reduce noise, such as setbacks between noise generators and noise-sensitive uses. The proposed Zoning Ordinance text includes specific setback distance standards. The setback distances vary based upon the decibel level measured 10 feet from the source of the amplified sound. As such, this project component would be in conformance with Policy N-1.2. The proposed project would not cause one or more effects associated with land use and planning including: physically dividing an established community; conflict 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; and/or conflict with any applicable HCP or NCCP. As such, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to land use and planning.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or "new information of substantial importance" that would cause one or more effects related to land use and planning. Project implementation would not result in impacts (direct or indirect) related to land use and planning beyond those analyzed in the 2010 Tiered Winery EIR. Therefore,

proposed project impacts related to land use and planning would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts associated with the physical division of an established community would be less than significant with the incorporation of mitigation measures. Further, impacts resulting from conflict with applicable land use plans, policies, or regulations, including an HCP or NCCP, were determined to be less than significant with no mitigation required.

This proposed project component would increase the maximum permit duration period for a health care trailer from one year to five years, depending on the time period of need noted in the Certificate of Need by a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the proposed project component would not cause one or more impacts associated with land use and planning including: physically dividing an established community; conflict 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; and/or conflict with any applicable HCP or NCCP. As such, this project component would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to land use and planning.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more substantial adverse physical impacts related to land use and planning. Project implementation would not result in impacts (direct or indirect) related to land use and planning beyond those analyzed in the 2011 GPU EIR. Therefore, impacts relative to land use and planning would be consistent with those previously identified in the 2011 GPU 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 availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have a less than significant impact related to mineral resources.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project would not cause one or more effects associated with 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 availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to mineral resources.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to mineral resources. Project implementation would not result in impacts (direct or indirect) related to mineral resources beyond those analyzed in the 2010 Tiered Winery EIR. Therefore, proposed project impacts related to mineral resources would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts to mineral resources would be significant and unavoidable, even with incorporation of mitigation measures. As such, a Statement of Overriding Considerations was adopted for mineral resources pursuant to CEQA Guidelines Sections 15091 and 15093.

This proposed project component involves increasing the permit duration period for a health care trailer from one year to five years, depending on the time period of need noted in the Certificate of Need by a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Furthermore, since the proposed project component would not include or facilitate any physical improvements or development, the project would not 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 availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to mineral resources.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to mineral resources. Project implementation would not result in impacts (direct or indirect) related to mineral resources beyond those analyzed in the 2011 GPU EIR. Therefore, impacts

related to mineral resources would be consistent with those previously identified in the 2011 GPU 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 noise 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	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have significant and unmitigated impacts associated with exposure of persons to noise levels in excess of noise ordinance standards due to additional traffic on area roadways; however, on-site generated noise impacts were found to be less than significant. Similarly, significant and unmitigated impacts associated with a permanent increase in ambient noise levels were found due to additional traffic on area roadways; however, impacts to ambient noise levels from on-site generated noise were found to be less than significant. Impacts associated with substantial temporary or periodic increase in ambient noise levels were found to be less than significant. Impacts regarding excessive groundborne vibration or groundborne noise generation were found to be less than significant. Mitigation measures were found to be infeasible as the 2010 Tiered Winery EIR addressed impacts associated with the approved Zoning Ordinance Amendment and not an individual development project. Furthermore, the 2010 Tiered Winery EIR pertained to by-right uses, for certain types of winery tiers. These uses would not be subject to discretionary approval, and accordingly, no additional environmental review would be conducted. Therefore, impacts were found to be significant and unmitigated related to exposure of persons to noise in excess of standards, and permanent increase in ambient noise, both related to the additional traffic on area roadways. As such, a Statement of Overriding Considerations was adopted for noise pursuant to CEQA Guidelines Sections 15091 and 15093.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning

Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting), and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries.

The *County of San Diego Guidelines for Determining Significance for Noise* (Noise Guidelines) provide guidance for evaluating substantial environmental effects that may occur from noise. Specifically, the Noise Guidelines address and are consistent with significance criteria listed in CEQA Guidelines, Appendix G, Section XIII (Noise). Pursuant to Appendix G, a project would have a significant impact if it resulted in “substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.” Thus, the Noise Guidelines as established by the County can be used to determine if there is a CEQA impact. According to the Noise Guidelines, as well as considering Section 36.404, *General Sound Level Limits*, of the San Diego County Code of Regulatory Ordinances, Title 3, Division 6, Chapter 4 (Noise Ordinance), for applicable zones, a significant impact related to noise would occur as a result of the proposed project under a couple key scenarios that would apply to the project:

Scenario 1 – Property Line Noise Limits

Under this scenario in the Noise Guidelines, a significant impact would occur if a project were to generate noise which, when combined with noise from all other sources (i.e., ambient noise levels), as measured at the property line, would: (1) be in excess of 50 decibels (A-weighted - dBA) during daytime (7 a.m. to 10 p.m.) and/or 45 dBA during nighttime (10 p.m. to 7 a.m.); or (2) result in an increase of more than 3 dBA, above the preexisting ambient noise levels, in locations where the measured ambient noise level is already in excess of 50 dBA during daytime (7 a.m. to 10 p.m.) and/or 45 dBA during nighttime (10 p.m. to 7 a.m.). The proposed Zoning Ordinance Amendment text was developed in compliance with the County’s Noise Guidelines and relevant Noise Ordinance sections regarding noise limits. Further, the proposed Zoning Ordinance Amendment text was developed in consideration of recommendations set forth in the *County of San Diego Process Improvements, Zoning Ordinance Amendment: Amplified Music at Wineries – Noise Impact Best Practices and Zoning Ordinance Recommendations Memorandum* (Noise Memo), prepared by Michael Baker International, dated December 27, 2024 ([Attachment B](#)).

The proposed Zoning Ordinance Amendment text includes specific setback distance standards. The setback distances vary based upon the decibel level of the amplified sound, measured at 10 feet from the source; refer to [Table 6910.1, Sound Levels and Attenuating Setback Distances](#) (Project Changes section). Amplifiers, speakers, and other music amplification devices associated with outdoor live music would be required to adhere to a minimum 200-foot setback from all property lines. In accordance with [Table 6910.1, Sound Levels and Attenuating Setback Distances](#), additional setback distance would be required for sound levels greater than 75 dBA as measured 10 feet from the

source. The setback distances were developed in consideration of noise reduction best practices, noise attenuation by distance, and case studies as explained further in the Noise Memo; refer to Attachment B.

As detailed in Attachment B, a case study noise analysis was conducted at five wineries located in three different planning areas in the unincorporated County. A noise measurement was conducted prior to the live music performance to collect the ambient noise level at each winery. Another noise measurement was conducted after the start of the live music performance at the same location. Additionally, noise measurements were conducted at/near surrounding sensitive receptors during the live music performance. To establish the baseline ambient noise levels at the nearby sensitive receptors, ambient noise measurements were taken on a separate day without any live music performances or major events scheduled at the nearby wineries. The measured ambient noise levels were used to determine the increase in ambient noise levels resulting from the live music performance. The noise measurement methodology took note of the number of musicians, types of instruments played, speakers used, musician setup, number of people at the winery, and other sources of noise (traffic, airplanes, other music sources, nearby events, etc.).

Setback distances would ensure that at the decibel levels generated, the amplified live music would not expose sensitive receptors to exterior noise levels in excess of 50 dBA during daytime (7 a.m. to 10 p.m.); further, amplified live music would not be allowed beyond those hours (or before 10:00 a.m.) and thus would not cause a significant impact as defined by the Noise Guidelines. Additionally, a Zoning Verification Permit (ZVP) and a project-specific noise study would be required to demonstrate compliance with the Noise Ordinance if a Boutique Winery is not able to meet the setback distances (by noise levels at 10 feet from the source) beyond the 200-foot minimum standard, and the ZVP can also be required if a Boutique Winery is found in violation of property line noise limits, based on an investigation by PDS Code Compliance, and the Boutique Winery wants to continue hosting live music.

All live music performances, including setup and cleanup activities, would occur between 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1. Further, the proposed setback distances were developed to ensure that noise levels at the property lines of Boutique Wineries would not exceed noise limits as set forth in the Noise Ordinance. Accordingly, based on the proposed Zoning Ordinance amendment text, live music at Boutique Wineries would be required to adhere to the setback distances from property boundaries or provide a noise study (that would only apply to addressing the setback distances beyond the 200-foot minimum) that demonstrates compliance with the Noise Ordinance standards.

Scenario 2 – Exposure of Noise Sensitive Land Uses to Community Noise Equivalent Levels (CNEL) Beyond Noise Guidelines Thresholds

Under this scenario, a significant impact would occur if noise from the project, when combined with ambient noise levels, would expose sensitive receptors to: (1) noise in excess of 60 dB CNEL or an increase of 10 dB CNEL over preexisting noise for exterior locations; or (2) noise in excess of 45 dB CNEL for interior locations. CNEL is the average equivalent A-weighted sound level over a 24-hour period. This measurement applies

weights to noise levels during evening and nighttime hours to compensate for the increased noise sensitivity of people at those times. CNEL is the equivalent sound level for a 24-hour period with a +5 dBA weighting applied to all sound occurring between 7:00 p.m. and 10:00 p.m. and a +10 dBA weighting applied to all sound occurring between 10:00 p.m. and 7:00 a.m.

The proposed Zoning Ordinance Amendment text limits live amplified music to only occur during winery tasting room hours, which are limited to 10:00 a.m. to legal sunset (until 6:00 p.m. from November 1 to March 1). Therefore, the project would not impact nighttime noise and associated weighting of sound levels for CNEL measurements. During the summer, when sunset occurs past 7:00 p.m., adherence to the property line noise limits (as referenced under Scenario 1 in this section) would ensure noise levels are not above the standards referenced in Scenario 1. This would therefore ensure that amplified live music associated with Boutique Wineries would not directly result in CNEL levels beyond the referenced Noise Guidelines thresholds, considering how CNEL is calculated in relation to standard dBA levels, with a +5 dBA weighting for evening hours.

In addition, the proposed Zoning Ordinance Amendment would not allow any increase in structure square footage or site occupancy beyond existing regulations. Therefore, the project would not result in an increase in traffic levels that could contribute to an increase in CNEL levels.

Therefore, implementation of this project component would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to 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; or related to the generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Groundborne Vibration and Airport Noise

The Noise Guidelines also address the consideration of groundborne vibration and public airports. This project component would not allow for additional structure square footage or occupancy at Boutique Wineries and thus would not facilitate any physical improvements or development that would necessitate the use of heavy equipment machinery that would produce groundborne vibration. Therefore, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to groundborne vibration.

Seven public airports are located in the unincorporated County: Agua Caliente Springs Airport, Borrego Valley Airport, Fallbrook Airpark, Gillespie Field, Jacumba Airport, Ocotillo Airport, and Ramona Airport. This project component would not include or facilitate any physical improvements or development that would expose people residing or working in the project area to excessive noise levels due to location within the vicinity of a private airstrip or 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. Therefore, this project component would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to airport noise.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to noise. Project implementation would not result in impacts (direct or indirect) related to noise beyond those analyzed in the 2010 Tiered Winery EIR. Therefore, proposed project impacts associated with noise would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2010 GPU EIR determined that noise impacts would be less than significant with incorporation of mitigation measures, with the exception of impacts resulting from the permanent increase in ambient noise levels, which were determined to be significant and unavoidable, even with the incorporation of mitigation measures. As such, a Statement of Overriding Considerations was adopted for noise impacts pursuant to CEQA Guidelines Sections 15091 and 15093.

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the proposed project component would not cause one or more effects to 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; generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; generation of excessive groundborne vibration or groundborne noise levels; and/or for a project within the vicinity of a private airstrip or airport land use plan or within two miles of a public airport or public use airport, expose people residing or working in the area to excessive noise levels. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to noise.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to noise. Project implementation would not result in impacts (direct or indirect) related to noise beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to noise would be consistent with those previously identified in the 2011 GPU 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 associated with population and housing including: induce substantial unplanned population growth either directly or indirectly; and/or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would result in less than significant impacts with regard to population growth, displacement of housing, and displacement of people.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project would not cause one or more effects associated with population and housing including: induce substantial unplanned population growth either directly or indirectly; and/or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Thus, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to population and housing.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to population and housing. Project implementation would not result in impacts (direct or indirect) related to population and housing beyond those analyzed in the 2010 Tiered Winery EIR. Therefore, impacts related to population and housing would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts to population and housing would be less than significant. As indicated in the 2011 GPU EIR, buildout of the General Plan would not result in a substantial increase in population. The development and infrastructure proposed under the General Plan Update would directly and indirectly induce population growth; however, such growth is considered to be consistent with forecasted growth for the unincorporated County. As stated in the 2011 GPU EIR, the General Plan Update is a comprehensive plan to guide future growth and includes a framework for land use and development, as well as goals and policies, to prevent unanticipated or inappropriate population growth in the unincorporated County. Therefore, the 2011 GPU EIR concluded that buildout of the General Plan would not result in the direct or indirect inducement of unplanned population growth and a significant impact would not occur.

This proposed project component would extend the time that a health care trailer can be permitted, from one year to five years, dependent on the duration of need noted in the

Certificate of Need from a licensed physician. No expansion of activities would be included. Therefore, the proposed project component would not cause one or more effects to population and housing including: induce substantial unplanned population growth either directly or indirectly; and/or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Accordingly, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to population and housing.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to population and housing. Project implementation would not result in impacts (direct or indirect) related to population and housing beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to population and housing would be consistent with those previously identified in the 2011 GPU 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 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, and/or other public facilities?

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would result in less than significant impacts with regard to fire protection services, police protection services, schools, parks, and other public services.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, site capacity would be limited to the sum of the capacity of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project would not cause one or more effects associated with the provision of new or physically altered governmental facilities, or 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, and/or other public facilities. As such, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to public services.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to public services. Project implementation would not result in impacts (direct or indirect) related to public services beyond those analyzed in the 2010 Tiered Winery EIR. Additionally, consistent with the 2010 Tiered Winery EIR, future implementing projects would be subject to project-specific review as part of the building permit process, including adherence to standards relative to public services as deemed applicable. Therefore, project impacts related to public services would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts to public services would be less than significant with incorporation of mitigation measures, with the exception of impacts to school services, which were determined to be significant and unavoidable even with incorporation of mitigation measures. As such, a Statement of Overriding Considerations was adopted for public services pursuant to CEQA Guidelines Sections 15091 and 15093.

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the proposed project would not cause one or more effects associated with a 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, and/or other public facilities. As such, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to public services.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more substantial adverse physical impacts related to public services. Project implementation would not result in impacts (direct or indirect) related to public services beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to public services would be consistent with those previously identified in the 2011 GPU 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 cause effects to recreation including: 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; and/or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES NO
☐ ☒

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would have no impact on recreational facilities.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project would not cause one or more effects to recreation including: 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; and/or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to recreation.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or "new information of substantial importance" that would cause one or more effects related to recreation. Project implementation would not result in impacts (direct or indirect) related to recreation beyond those analyzed in the 2010 Tiered Winery EIR. Therefore, impacts related to recreation would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts to recreation would be less than significant with the incorporation of mitigation measures.

This proposed project component would extend the time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the

Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the proposed project component would not cause one or more effects to recreation including: 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; and/or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to recreation.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to recreation. Project implementation would not result in impacts (direct or indirect) related to recreation beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to recreation would be consistent with those previously identified in the 2011 GPU 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: conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; 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 NO
☐ ☒

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would result in significant and unmitigated impacts with regard to road segment operations, level of service, and congestion. Impacts regarding parking capacity were found to be less than significant. Mitigation measures were found to be infeasible as the 2010 Tiered Winery EIR addressed impacts associated with the approved Zoning Ordinance Amendment and not an individual development project. Furthermore, the 2010 Tiered Winery EIR pertained to by-right uses for certain types of winery tiers. These uses would not be subject to discretionary approval, and accordingly,

no additional environmental review would be conducted. Therefore, impacts were found to be significant and unmitigated because there would be no enforcement mechanism to guarantee resource avoidance or compliance with environmental regulations. As such, a Statement of Overriding Considerations was adopted for transportation pursuant to CEQA Guidelines Sections 15091 and 15093.

The 2010 Tiered Winery EIR did not include an evaluation of vehicle miles traveled (VMT), as significance thresholds pertaining to VMT were not included in the CEQA Guidelines at the time the 2010 Tiered Winery EIR was prepared and certified. California Senate Bill (SB) 743 was signed into law in 2013 and included several changes to CEQA for projects located in areas served by transit (e.g., transit-oriented development). Most notably with regard to transportation and traffic assessments, SB 743 changed the way that transportation impacts are analyzed pursuant to CEQA (see Public Resources Code Section 21099). SB 743 required the Governor's Office of Planning and Research to amend the CEQA Guidelines to provide an alternative to level of service (LOS) and auto delay for evaluating transportation impacts. As a result, current CEQA Guidelines include an evaluation of VMT.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios; thus, the project wouldn't facilitate additional winery occupancy, leading to additional vehicle trips. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects related to transportation/traffic.

Since the 2010 Tiered Winery EIR was certified, there have been no changes in the project, changes in circumstances under which the project is undertaken, and/or "new information of substantial importance" that would cause one or more effects related to transportation/traffic. Project implementation would not result in impacts (direct or indirect) related to transportation/traffic beyond those analyzed in the 2010 Tiered Winery EIR. Therefore, proposed project impacts related to transportation/traffic would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts to transportation and traffic would be less than significant with incorporation of mitigation measures, with the exception of impacts relative to the degradation in LOS for roadways in the unincorporated County and adjacent cities, and to rural road safety, which were determined to be significant and unavoidable even with mitigation measures incorporated. As such, a Statement of Overriding Considerations was adopted for transportation and traffic pursuant to CEQA Guidelines Sections 15091 and 15093.

Similar to the 2010 Tiered Winery EIR, the 2011 GPU EIR did not include an evaluation of VMT.

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, dependent on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. Therefore, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to transportation and traffic.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to transportation and traffic. Project implementation would not result in impacts (direct or indirect) related to transportation and traffic beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to transportation and traffic would be consistent with those previously identified in the 2011 GPU 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: require or result in the relocation or construction of new or expanded water, wastewater treatment for storm water drainage, electrical power, natural gas or telecommunication facilities; have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; 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; generate solid waste in excess of state or local standards, in excess of the capacity of local infrastructure or otherwise impair the attainment of solid waste reduction goals; and/or comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amplified Live Music at Boutique Wineries Component

The 2010 Tiered Winery EIR determined that implementation of the approved Zoning Ordinance Amendment would result in less than significant impacts regarding wastewater treatment; storm water drainage; and landfill capacity and solid waste. Impacts regarding sufficient water supplies/the need for new or expanded water entitlements, groundwater supply, and cumulative water supply were found to be significant and unmitigated. During preparation of the 2010 Tiered Winery EIR, the County’s CEQA thresholds did not require the analysis of potential impacts related to the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities. Mitigation

measures were found to be infeasible as the 2010 Tiered Winery EIR addressed impacts associated with the approved Zoning Ordinance Amendment and not an individual development project. Furthermore, the 2010 Tiered Winery EIR pertained to by-right uses for certain types of winery tiers. These uses would not be subject to discretionary approval, and accordingly, no additional environmental review would be conducted. Therefore, impacts were found to be significant and unmitigated because there would be no enforcement mechanism to guarantee resource avoidance or compliance with environmental regulations. As such, a Statement of Overriding Considerations was adopted for utilities and service systems pursuant to CEQA Guidelines Sections 15091 and 15093.

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified live music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries. Therefore, the proposed project would not cause one or more effects to utilities and service systems. Thus, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to utilities and service systems.

Since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more effects related to utilities and service systems. Project implementation would not result in impacts (direct or indirect) related to utilities and service systems beyond those analyzed in the 2010 Tiered Winery EIR. Additionally, consistent with the 2010 Tiered Winery EIR, future implementing projects would be subject to project-specific building permit review, including adherence to standards relative to utilities and service systems as deemed applicable. Therefore, impacts related to utilities and service systems would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

The 2011 GPU EIR determined that impacts to utilities and service systems would be less than significant with mitigation measures incorporated, with exception of impacts regarding the provision of adequate water supplies and sufficient landfill capacity, which were determined to be significant and unavoidable, even with the incorporation of mitigation measures. As such, a Statement of Overriding Considerations was adopted for utilities and service systems pursuant to CEQA Guidelines Sections 15091 and 15093.

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical

improvements or development. Therefore, the proposed project component would not cause one or more effects to utilities and service systems. Thus, the project would not result in a new significant environmental effect or substantial increase in the severity of previously identified significant effects relative to utilities and service systems.

Since the 2011 GPU EIR was certified, there are no changes in the project, changes in circumstances under which the project is undertaken, and/or “new information of substantial importance” that would cause one or more substantial adverse physical impacts related to utilities and service systems. Project implementation would not result in impacts (direct or indirect) related to utilities and service systems beyond those analyzed in the 2011 GPU EIR. Therefore, impacts related to utilities and service systems would be consistent with those previously identified in the 2011 GPU EIR.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Since the previous EIR was certified, 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	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amplified Live Music at Boutique Wineries Component

This project component would update Zoning Ordinance regulations to allow indoor and outdoor amplified music at Boutique Wineries. The proposed project would not include or facilitate any physical improvements or development. The proposed Zoning Ordinance Amendment text would require live music to be accessory to commercial winery activities (wine sales and tasting) and would not allow increases in the allowed maximum square footage of winery structures and patios. Related to the maximum square footage, which is not proposed to change, maximum site occupancy would be limited to the sum of the maximum occupancy of all commercial winery structures and patios. Additionally, this project component would not change the prohibition of off-premises parking for Boutique Wineries.

As described throughout this addendum, since the 2010 Tiered Winery EIR was certified, there are no changes in the project, changes in circumstances under which the project is

undertaken, and/or “new information of substantial importance” that would result in any new or more severe impacts related to biological resources, cultural resources, or adverse effects on human beings. As described in Section IV, Biological Resources, and Section V, Cultural Resources, above, the project would not result in any new or more severe impacts to biological resources or cultural/historic resources, nor would the project result in any previously unidentified impact that would be cumulatively considerable. Furthermore, as described throughout this addendum, the project would not result in any new or more severe direct or indirect environmental impacts to human beings. All impacts associated with the project would be consistent with those previously identified in the 2010 Tiered Winery EIR.

Health Care Trailers Component

This proposed project component would extend the maximum time that a health care trailer can be permitted, from one year to five years, depending on the duration of need noted in the Certificate of Need from a licensed physician. No expansion of activities would be included. This project component would not include or facilitate any physical improvements or development. As described in Section IV, Biological Resources, and Section V, Cultural Resources, above, the project would not result in any new or more severe impacts to biological resources or cultural/historic resources, nor would the project result in any previously unidentified impact that would be cumulatively considerable. Furthermore, as described throughout this addendum, the project would not result in any new or more severe direct or indirect environmental impacts to human beings. All impacts associated with the project would be consistent with those previously identified in the 2011 GPU EIR.

XIX. ATTACHMENTS

- A: Proposed Revisions to the Zoning Ordinance
- B: County of San Diego Process Improvements, Zoning Ordinance Amendment: Amplified Music at Wineries – Noise Impact Best Practices and Zoning Ordinance Recommendations Memorandum

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

California Association of Environmental Professionals

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

California Department of Fish and Wildlife

California Fish and Wildlife Code, Section 1600 *et. seq.*

County of San Diego

County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3.

County of San Diego General Plan, 2011.

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Agricultural Resources, approved March 19, 2007.

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Air Quality, approved March 19, 2007.

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources, approved September 15, 2010.

County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historical Resources, approved December 5, 2007.

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Michael Baker International

County of San Diego Process Improvements, Zoning Ordinance Amendment: Amplified Music at Wineries – Noise Impact Best Practices and Zoning Ordinance Recommendations, December 27, 2024.

Attachment A

Proposed Revisions to the Zoning Ordinance

**Proposed Revisions to the Zoning Ordinance
Amplified Live Music at Boutique Wineries**

Note: Underlined text identifies newly proposed text, strikeout text identifies existing text proposed to be removed, and text with no strikeout or underline identifies existing text proposed to remain. Section numbers were adjusted, starting with Section 7, to ensure a logical order of Sections with the added text.

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, with the exception of Temporary Agritourism Community Events as defined in Section 6157.b.4 except for permitted uses consistent with the Zoning Ordinance and Agricultural Tourism as defined in Section 6157.b if all qualifying criteria are met.

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

1. Prior to the occupancy of the winery structures and the production of wine, a Boutique Winery shall have a valid permit and bond issued by the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau, if required by the 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 in San Diego County or from sourced juice and/or wine produced in San Diego County with San Diego County grown grapes. No more than 25% of the winery's production may consist of fruit, juice or non-bottled bulk wine 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	Permitted
TOTAL	100%		

- 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, or live music area for the Boutique Winery.

5. The Boutique Winery structures permitted in Section 6910.b.4 may contain one designated tasting/retail sales area in addition to the Boutique Winery structures permitted in 6910.b.4. Live music at Boutique Wineries must be accessory to winery sales and tasting activities, and no additional square footage shall be allowed for the live music use, beyond the tasting/retail sales area maximum square footage noted in this Section. The designated tasting/retail sales area shall be accessory to wine production, shall not exceed 30% of the total square footage of all permitted Boutique Winery production facility structures, and shall comply with the following:

- 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, and live music;

- iv. The California Retail Food Code and the food provisions of the County Code apply as provided in those codes; and
 - 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. The following types of activities and gatherings are allowed and can be advertised, ticketed and promoted as incidental promotion of the winery:
- Wine production (including wine clubs)
 - Wine sales (including wine clubs)
 - Wine tasting (including wine clubs)
 - Agricultural instruction (including wine clubs)
 - Educational tours (including wine clubs)

Live music, as allowed under certain criteria in this Section, does not constitute an event if it accompanies the permitted commercial activities for the Boutique Winery (wine sales, wine tasting), and the live music does not require a separate paid ticket or other entry fee.

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

7. Amplified live and mechanical music, both indoor and outdoor, is allowed pursuant to the following requirements:
- i. Winery operators facilitating the performance of live music entertainment by entertainers shall be subject to the San Diego County Code of Regulatory Ordinances, Title 2, Division 1, Chapter 21 requirements regulating Entertainment Establishments (i.e., Entertainment Establishment License). An Entertainment Establishment License does not exempt a winery operator from any Zoning Ordinance requirements.
 - a) Mechanical music produced only by a jukebox, radio, stereo system, hi-fi system, CD player, tape player or other similar device, not accompanied by a disc jockey or other announcer, is allowed pursuant to all applicable standards, criteria, and regulations and is not subject to an Entertainment License.
 - b) A musical performance is not an Agricultural Tourism activity pursuant to Section 6157.b, private event, or concert.
 - c) A Boutique Winery and any accompanying live music shall not be considered a Section 1535 Spectator Sports and Entertainment use.

- d) Live amplified music shall only be allowed during tasting room hours of operation, from 10:00 a.m. to legal sunset (until 6 p.m. from November 1 to March 1).
- e) Musical performances can be advertised incidental to promoting a winery.
- f) Karaoke is prohibited.
- g) Prior to providing live amplified music, all necessary building permits must be obtained, and all outstanding code violations must be resolved.
- h) Total site occupancy limits as provided in Section b.16 shall not be exceeded in order to accommodate live music.

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

Outdoor amplified live music shall adhere to the following requirements:

- i. Outdoor amplified music shall comply with the setback requirements and decibel levels provided in Table 6910.1, Sound Levels and Attenuating Setback Distances, to ensure compliance with the County of San Diego Code of Regulatory Ordinances, Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.
- ii. Amplifiers, speakers, and other music amplification devices shall adhere to a minimum 200-foot setback from all property lines. In accordance with Table 6910.1, additional setback distance will be required for sound levels greater than 75 dBA as measured 10 feet from the source. The Zoning Verification Permit process with noise study referenced in Sections 8.iii and 8.iv below does not apply to the 200-foot setback standard.
- iii. A Boutique Winery that cannot meet the Table 6910.1 setback requirements for sound levels greater than 75 dBA as measured 10 feet from the source, due to site-specific constraints, or intends to provide outdoor amplified music louder than 92 dBA, as measured 10 feet from the source, shall submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits. In addition, the site-specific noise

study shall identify any required noise attenuating site design features that may be required to meet the property line noise limits.

- iv. A Boutique Winery that is found to be providing live music in excess of property line sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits, based on an investigation by the PDS Code Compliance Division, can be required to submit a Zoning Verification Permit application, which shall include a site-specific noise study prepared by a County-approved California Environmental Quality Act consultant for acoustics. The site-specific noise study shall show how the decibel level at the property line complies with sound level limits as provided in the County of San Diego Code of Regulatory Ordinances Title 3, Division 6, Chapter 4, Section 36.404, General Sound Level Limits.

Table 6910.1 Sound Levels and Attenuating Setback Distances

<u>Music Volume Level</u>	<u>Sound Level 10 ft from source (dBA)¹</u>	<u>Required Setback from Property Line (Feet)²</u>
<div>Quieter</div> <div>↓</div> <div>Louder</div>	75	200
	76	225
	77	250
	78	275
	79	300
	80	350
	81	400
	82	450
	83	500
	84	550
	85	600
	86	650
	87	700
	88	800
	89	900
	90	1,000
	91	1,200
	92	1,400
1. <u>A-Weighted Sound Level (dBA): The sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network measures sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.</u>		
2. <u>Setback distances are calculated to ensure a sound level of less than 50 dBA at the property line.</u>		

9. All operations shall comply with the provisions of Section 36.401 et seq. of the San Diego County Code relating to Noise Abatement and Control.
10. The 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 and Quality (DEHQ). Catered food service is allowed by a DEHQ-permitted caterer, but no food preparation is allowed at a Boutique

Winery, except as described below in this Section. Catered food service includes the provision of food that is ready to eat and that has been prepared off the Boutique Winery premises.

- i. One mobile food facility may be allowed on the Boutique Winery premises to serve the patrons of the tasting room during the approved hours of operation as specified in 6910.b.8 11;
 - ii. The mobile food facility shall not be parked in the required parking spaces for winery patrons or employees, nor shall it interfere with the safe ingress or egress to and from the premises;
 - iii. The mobile food facility shall have a valid Mobile Food Facility Health Permit from ~~the Department of Environmental Health~~ DEHQ and shall conform to all requirements applicable to a mobile food facility, including access to a permitted commercial restroom.
11. A tasting/retail sales area in conjunction with a Boutique Winery may be open to the public seven days a week from 10 a.m. until legal sunset, or until 6 p.m. from November 1 through March 1.
12. A minimum of six 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.
13. The on-site driveway and parking area used to access the Boutique Winery shall not be dirt. The on-site driveway and parking area may be surfaced with ~~c~~Chip ~~s~~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.~~
- ~~14. 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 adopted standards of the applicable fire service provider.
16. Total site occupancy for a Boutique Winery shall be limited to the combined sum of the maximum occupancy for all permitted winery structures and patios (covered and uncovered patios) open to the public, plus the 20-person maximum occupancy allowed for outdoor seating as specified in subsection b.14. During building permit review and as part of PDS input for Entertainment Establishment licensing (for wineries seeking an Entertainment Establishment license to host

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live music), the PDS Building and Zoning Division will set maximum occupancy for all commercial winery structures and patios open to the public, to inform the maximum site occupancy.

**Proposed Revisions to the Zoning Ordinance
Health Care Trailers**

Note: Underlined text identifies newly proposed text, strikeout text identifies existing text proposed to be removed, and text with no strikeout or underline identifies existing text proposed to remain.

6118 USE OF A TRAILER COACH

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.
2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling-provided that the trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback. However, the Director may allow an ETOP (pursuant to subsection 7) converting to a temporary occupancy permit (TOP) to remain in its previously permitted location.
3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health care or administration of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require ~~physical care~~ health care directed by a health services provider.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer or mobile home not exceeding 800 square feet measured from the interior surface of the exterior walls, with adequate facilities for living, sleeping, cooking, eating, and sanitation for one or more persons.
- b) The trailer shall meet main building setbacks.
- c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible. Where there is no connection to public sewer, prior to the issuance of the building permit, a connection to an onsite wastewater treatment system (OWTS) shall be evaluated and meet the standards of the Local Agency Management Program.
- d) Prior to issuance of a building permit for a health care trailer, a Certificate of Need signed by a physician licensed to practice medicine in the State

of California shall be submitted to and approved by the Director. The Certificate shall be renewed ~~annually~~ upon expiration of the permit. Initial permits and subsequent renewals shall be active for a time period determined appropriate by the licensed physician signing the Certificate of Need, with a minimum period of one year and a maximum period of five years.

- e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.
- f) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of any previously furnished deposit shall be refunded or security released.

Attachment B

**County of San Diego Process Improvements,
Zoning Ordinance Amendment: Amplified Music at
Wineries – Noise Impact Best Practices and Zoning
Ordinance Recommendations Memorandum**

MEMORANDUM

To: County of San Diego
Attn: Rouya Rasoulzadeh, Madeline Mattson, Don Chase

From: Michael Baker International
Attn: Dan Wery, Eddie Torres, Zhe Chen, Shannon Liska, Cameron Savoie

Date: December 27, 2024

Subject: County of San Diego Process Improvements, Zoning Ordinance Amendment: Amplified Music at Wineries – Noise Impact Best Practices and Zoning Ordinance Recommendations

PURPOSE

The purpose of this memorandum is to provide best practice and Zoning Ordinance amendment recommendations for boutique wineries in unincorporated San Diego County as they relate to live music performances. The recommendations include techniques, technologies, and development standards utilized to mitigate the noise impacts from amplified music on sensitive receptors. Recommendations include limiting volume, providing appropriate hours of operation, creating setback distances, and allowing for site specific noise studies. Recommendations also provide methods to address violations and enforcement. This memorandum provides strategies and approaches to inform the drafting of amplified music regulations to help ensure compliance with the existing Noise Ordinance and minimize violations.

The memorandum's goal is to evaluate and present the potential noise impacts from amplified music during live music performances at boutique wineries; determine if this type of amplified noise complies with existing applicable noise regulations; and establish recommendations for Zoning Ordinance amendments to improve compliance with the Noise Ordinance, help avoid and minimize violations and minimize the noise impacts on nearby sensitive receptors. The memorandum does this in three main parts.

First, it provides a case study noise analysis taken at five wineries in the unincorporated County. The noise analysis included recording, measuring, and documenting sound levels during live music performances at the five wineries. Measurements were taken before, during, and after the live music performances. The results of the noise analysis demonstrate whether the documented noise levels exceed existing regulatory thresholds. Second, the memorandum reviews the winery ordinances of five other jurisdictions for best practices and enforcement strategies. The ordinance review analyzes standards, requirements, and enforcement practices of jurisdictions that allow live music at wineries. Third, the memorandum takes the results learned from the case studies and ordinance review analysis to provide a set of recommendations for the Zoning Ordinance amendments. These recommendations incorporate the results from noise measurements conducted at the five wineries and ordinance review to ensure that the addition of live music performance would not cause exceedance of the noise level significance thresholds. The recommendations are aimed at ensuring noise levels of amplified music comply with County noise regulations and provide options for enforcement as well.

BACKGROUND OF THE TIERED WINERY ORDINANCE

The Boutique Winery project originated in August 2010 when the County of San Diego Board of Supervisors approved the Tiered Winery Ordinance, which established a tiered regulatory system for wineries, including a specific “Boutique Winery” tier. This tier allowed smaller wineries to operate tasting rooms alongside agricultural vineyard operations. In 2016, the Board of Supervisors adopted a set of Zoning Ordinance amendments to prescribe reasonable standards and procedures for the operations of wineries and to allow more flexibility in sourcing their wine, while still prioritizing the use of locally grown grapes. Through the years, the winery regulations have been shaped through ongoing public input, with multiple drafts and revisions based on feedback from stakeholders.

In February 2024, the Board directed County staff to explore the possibility of permitting live amplified music at boutique wineries under reasonable limits. This memorandum presents the best management practices identified through case study results and analysis of the zoning code and staff interviews with comparable counties.

CALIFORNIA ENVIRONMENTAL QUALITY ACT – SAN DIEGO COUNTY GUIDELINES

The *County of San Diego Guidelines for Determining Significance for Noise* (Guidelines) provide guidance for evaluating substantial environmental effects that may occur from noise. Specifically, the Guidelines address and are consistent with significance criteria listed in the California Environmental Quality Act (CEQA) Guidelines, Appendix G, Section XIII (Noise). Per Appendix G, a project would have a significant impact if it resulted in “substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.” Thus, the Guidelines as established by the County can be used to determine if there is a CEQA impact.

According to the Guidelines, a significant impact in noise would occur if (1) projects expose sensitive receptors to exterior noise levels in excess of 50 decibels (dBA) during daytime (7 a.m. to 10 p.m.) and 45 dBA during nighttime (10 p.m. to 7 a.m.) or (2) there is an increase of 3 dBA over the preexisting ambient noise levels.

FUNDAMENTALS OF SOUNDS AND ENVIRONMENTAL NOISE

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air and is characterized by both its amplitude and frequency (or pitch). The human ear does not hear all frequencies equally. In particular, the ear deemphasizes low and very high frequencies. To better approximate the sensitivity of human hearing, the A-weighted decibel scale (dBA) was developed. Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner like the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dBA higher than another is perceived to be twice as loud and 20 dBA higher is perceived to be four times as loud, and so forth. A change of 1 dBA is typically imperceptible, while a change of 5 dBA is clearly perceptible. Everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud). On this scale, the human range of hearing extends from approximately 3 dBA to around 140 dBA.

Noise is generally defined as unwanted or excessive sound, which can vary in intensity by over one million times within the range of human hearing; therefore, the decibel scale (dB, unweighted) is used to quantify

sound intensity. Noise can be generated by several sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, and industrial operations.

Noise generated by mobile sources typically attenuates (is reduced) at a rate between 3 dBA and 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of 3 dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance.

Noise generated by stationary sources typically attenuates at a rate between 6 dBA and about 7.5 dBA per doubling of distance.

There are several metrics used to characterize community noise exposure, which fluctuate constantly over time. One such metric, the equivalent sound level (L_{eq}), represents a constant sound that, over the specified period, has the same sound energy as the time-varying sound. This is commonly used to describe the “average” noise levels within the environment. Noise exposure over a longer period is often evaluated based on the day-night sound level (L_{dn}). This is a measure of 24-hour noise levels that incorporates a 10-dBA penalty (or an additional 10 dBA) for sounds occurring between 10:00 p.m. and 7:00 a.m. when sounds seem to be louder. The penalty is intended to reflect the increased human sensitivity to noises occurring during nighttime hours, particularly at times when people are sleeping and there are lower ambient (background) noise conditions. Typical L_{dn} noise levels for light- and medium-density residential areas range from 55 dBA to 65 dBA.

Similarly, community noise equivalent level (CNEL) is a measure of 24-hour noise levels, not an actual sound level heard at any time, that incorporates a 5 dBA penalty for sounds occurring between 7:00 p.m. and 10:00 p.m. and a 10 dBA penalty for sounds occurring between 10:00 p.m. and 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.¹

CASE STUDIES: WINERY NOISE MEASUREMENTS

To understand the existing conditions at wineries in the County and to quantify existing ambient noise levels and noise levels during live music performances, Michael Baker International conducted short-term (L_{eq}) noise measurements of ten minutes during outdoor live music performances at five wineries throughout the County. The five wineries were selected based on their scheduled live music performances and unincorporated community planning areas. The case studies included a variety of crowd sizes and event scales. Note that not all of the wineries were boutique wineries. Three different planning areas were included in the case study. Measurements were conducted on weekends in August and September. A range of music performances were selected, representing different music genres, group instrumentation, and number of performers. Selections were made based on publicly available information on music performances. The musicians were not contacted in advance of the measurements. In addition to measurements on each winery’s property, two to three off-site measurements were conducted to document noise levels at or as close as possible to nearby sensitive receptors. All performances and measurements were outdoors.

It should be noted that Michael Baker International did not ask leading questions about the types of live

¹ Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.

music performances or the crowd size in advance of the visits but only confirmed the presence of a live music performance on the day measurements were taken. This approach ensured that the measurement results were not influenced by any preconceived notions or specific selections that could maximize or minimize potential compatibility issues.

Noise Measurement Methodology

Consistent with the Guidelines, Michael Baker International conducted noise measurements at five wineries located in three different planning areas in the unincorporated County. A noise measurement was conducted prior to the live music performance to collect the ambient noise level at each winery. Another noise measurement was conducted after the start of the live music performance at the same location. Additionally, noise measurements were conducted at/near surrounding sensitive receptors during the live music performance. To establish the baseline ambient noise levels at the nearby sensitive receptors, ambient noise measurements were taken on a separate day without any live music performances or major events scheduled at the nearby wineries. The measured ambient noise levels were used to determine the increase in ambient noise levels resulting from the live music performance.

All noise measurements were conducted with a Brüel & Kjær Hand-held Analyzer Type 2250 equipped with a Type 4189 pre-polarized microphone. The monitoring equipment complies with applicable requirements of the American National Standards Institute (ANSI) for Type I (precision) sound level meters. Noise measurements at the wineries were conducted as per the guidelines in the California Department of Transportation *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, Section 3, *Measurements and Instrumentation*, and the San Diego County Code of Regulatory Ordinance, Chapter 4, Title 3, Division 6, Section 36.403, *Sound Level Measurement*.

The noise measurement methodology took note of the number of musicians, types of instruments played, speakers used, musician setup, number of people at the winery, and other sources of noise (traffic, airplanes, other music sources, nearby events, etc.).

Case Study Results

The case study results illustrate that, generally, live music decibel levels at the sensitive receptors did not exceed the County of San Diego exterior noise thresholds. [Table 1, Case Study Summary and Comparison](#), shows the overall summary between the ambient noise levels without music and noise levels with the live music performance. The table shows each measurement number ID, winery, ambient noise level, noise level with music, the distance from the noise source, if the noise level exceeds either County threshold individually, if the noise level exceeds both County thresholds, and if the exceedance of both thresholds is due to the live music performance.

County of San Diego guidelines have discrete exterior noise thresholds (1) 50 dBA during daytime hours and (2) 3 dBA increase over ambient noise levels if the ambient noise level is higher than 50 dBA. Noise levels exceeded both of these thresholds at three of the thirteen off-site sensitive receptor locations (Measurement ID Numbers 3, 5, and 13). However, live music was not the primary cause of the noise impact at two of these measurements. At Measurement ID 5, the exceedance was mainly due to the traffic noise along the main access route to the winery. It should be also noted that based on the observations made by Michael Baker International, there was an event occurring at an adjoining and unrelated property, which resulted in additional traffic activities at the time of measurement during the live music performance. Although noise from the live music performance could be heard at this measurement location, traffic noise was the major noise contributor during the measurement.

At Measurement ID 13, the exceedance of the 50 dB County standard was mainly due to the other nearby noise sources. Based on the observation, music from the winery could barely be heard due to the distance (approximately 1,550 feet from the winery). Furthermore, loud music was playing from a residence to the southwest, which was in between the winery and the measurement location. There was also moderate traffic noise observed as it is located at the entrance to a private driveway leading to multiple residences. As such, the major noise sources at this location were the loud music from a house and the traffic noise, rather than the live music performance.

Only at Measurement ID 3 was the exceedance of the County Noise Ordinance attributable to the live music. The exceedance at Measurement ID 3 is mainly due to the loudest measurement at 91 dBA and close proximity of the sensitive receptor (200 feet to the east) to the winery activity area (live music performance, food truck, and parking lot), and the clear line of sight (i.e. a lack of any intervening attenuation factors) between the live music performance and the sensitive receptor.

The case studies illustrated that speaker size and setup did not impact whether or not a performance exceeded the noise standard. Thus, speaker size and type does not need to be regulated in the Zoning Ordinance. Due to the variety of speaker types, quality, and ability to change output level, regulating speaker size or type would not be an effective regulation.

Case Study Observations

The case studies illustrated a number of observations regarding what impacts noise levels at wineries. Notably, the type of performance arrangement significantly influenced the noise levels. Larger bands with multiple instruments at Winery 1 and Winery 3 generated higher noise levels, resulting in larger changes to ambient noise levels. These performances had multiple musicians and both included drum sets and amplified electric guitar and bass. Winery 2 had moderate noise levels where the performance included a variety of instruments as well, including a drum set, a guitar, a bass guitar, a tambourine, a washboard, a violin and a mandolin. Solo performances at Winery 4 and Winery 5 produced lower noise levels, leading to smaller changes to ambient noise levels. These performances were a single musician with an amplified acoustic guitar. It should also be noted that performances with larger bands involved higher audience attendance and larger crowds, which contributed to the overall noise levels. However, musical instruments and speakers were still the main contributors of the overall noise levels.

Observations from the case studies found that there are a number of contributing factors to the exceedance of noise thresholds, including proximity to noise sources, ambient noise sources, and line of sight / lack of attenuating factors. Each of these items is described below.

- ***Proximity to Noise Sources:*** Sensitive receptors located close to the live music performance areas experienced higher noise levels.
- ***Ambient Noise Sources:*** In some cases, existing ambient noise sources such as traffic, crowd noise, and other activities contributed significantly to the overall noise levels.
- ***Line of Sight:*** Locations with a clear line of sight to the noise source experienced noise levels without any attenuating factors other than distance due to the lack of natural or artificial barriers that might deflect or absorb sound.

Based on the results from the case study, possible amendments to the Zoning Ordinance may include regulating maximum performance levels, and minimum setback distances based on outdoor

performance levels. Specific recommendations are provided in the Recommendations for Zoning Ordinance Implementation section.

Table 1
Case Study Summary and Comparison

Measurement Number ID	Wineries	Ambient Noise Level dBA (L _{eq})	Noise Levels with Live Music dBA (L _{eq})	Distance from Noise Source	Noise Levels with Live Music Exceeds County of San Diego Exterior Thresholds? (>50 dBA L _{eq})	Change in Noise Level (between Ambient and Noise Levels with Live Music) dBA (L _{eq})	Exceeds 3 dBA Change Threshold? ¹	Exceeds both County of San Diego Exterior Thresholds?	Exceedance of Threshold Due to Live Music Performance?
Winery 1		64.6	91.5			26.9			
1	Off-Site 1	52.3	54.0	550 ft.	Yes	1.7	No	No	-
2	Off-Site 2	40.1	49.2	300 ft.	No	9.1	N/A	No	-
3	Off-Site 3	52.1	62.8	200 ft.	Yes	10.7	Yes	Yes	Yes
Winery 2		60.4	79.7			19.3			
4	Off-Site 1	47.7	48.0	400 ft.	No	0.3	N/A	No	-
5	Off-Site 2	44.8	55.2	730 ft.	Yes	10.4	Yes	Yes	No
Winery 3		62.3	87.7			25.4			
6	Off-Site 1	61.2	60.5	230 ft.	Yes	--	N/A	No	-
7	Off-Site 2	66.7	63.7	700 ft.	Yes	--	N/A	No	-
8	Off-Site 3	70.8	70.9	650 ft.	Yes	0.1	No	No	-
Winery 4		61.1	74.3			13.2			
9	Off-Site 1	59.1	60.6	230 ft.	Yes	1.5	No	No	-
10	Off-Site 2	64.4	64.5	700 ft.	Yes	0.1	No	No	-

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Measurement Number ID	Wineries	Ambient Noise Level dBA (L _{eq})	Noise Levels with Live Music dBA (L _{eq})	Distance from Noise Source	Noise Levels with Live Music Exceeds County of San Diego Exterior Thresholds? (>50 dBA L _{eq})	Change in Noise Level (between Ambient and Noise Levels with Live Music) dBA (L _{eq})	Exceeds 3 dBA Change Threshold? ¹	Exceeds both County of San Diego Exterior Thresholds?	Exceedance of Threshold Due to Live Music Performance?
Winery 5		59.2	72.1			12.9			
11	Off-Site 1	52.3	49.8	500 ft.	No	--	No	No	-
12	Off-Site 2	47.7	49.0	575 ft.	No	1.3	N/A	No	-
13	Off-Site 3	47.6	53.9	1,550 ft.	Yes	6.3	Yes	Yes	No
Notes: N/A = Not Applicable; existing ambient noise levels were higher than the noise levels during live music performance. Therefore, live music performance did not result in a change in the existing ambient noise levels. Or N/A if noise levels are not greater than 50 dBA. 1. A significant impact in noise would occur if any projects would expose sensitive receptors to exterior noise levels in excess of 50 decibels (dBA) during daytime (7 a.m. to 10 p.m.). If the measured ambient noise levels are greater than 50 dBA L _{eq} , an increase of 3 dBA over the pre-existing ambient noise levels would cause a significant impact.									

ORDINANCE AND ENFORCEMENT REVIEW

Michael Baker International reviewed the zoning ordinances, municipal codes, and regulations of five comparable counties to obtain a sampling of how these jurisdictions regulate amplified music at wineries. The analysis of each municipal code included both an in-depth review of the written ordinance and contacting the enforcement team for a short interview to discuss effectiveness of implementation and enforcement actions.

Based on the results from the zoning ordinance review and interviews, amendments to the Zoning Ordinance should consider defining the differences between amplified music and special events; specify enforcement strategies such as fines, revoking permits, or requiring noise monitoring systems; and include a standardized noise measurement method. Specific recommendations are provided in the Recommendations section.

Ordinance Review Methodology

The review of the zoning ordinances compared the permitting requirements, development and operational standards, and enforcement methods of the following five counties: Sonoma, Santa Barbara, Amador, Placer, and Santa Cruz. These counties were selected based on the prevalence of wineries in the jurisdiction and similarity to land uses in the County of San Diego. The review evaluated whether amplified music is allowed by right, what type of permit is required for amplified live music, the associated standards for amplified music, and violation assessment and ordinance enforcement. None of the jurisdictions regulated size or type of speaker/amp. Only one jurisdiction, Sonoma County, specified the type of instruments that could potentially be as loud as amplified music (brass instruments, horns, or drums).

In addition to the analysis, the five jurisdictions were contacted for brief interviews regarding effectiveness of their ordinances and enforcement. Interviews covered aspects including effectiveness, the cost to enforce, issues with implementation, and recommendations for best practices to include in potential ordinance revisions. The jurisdictions noted that there were no additional costs to enforce the noise ordinance or noise complaints. They did, however, typically provide light oversight and note the difficulties of responding to a noise complaint in a timely manner (often the following morning/day when the activity had ceased). They indicated that in recognition of these challenges, the use of warnings of a fine or permit revocation was considered effective. Each jurisdiction recommended that the best form of regulation for amplified music was to establish clear allowances and standards in the code or use permit.

The analysis and comparison is provided in Table 2, *Comparison of County Ordinance and Enforcement Review*. The reviews and interviews resulted in common findings and recommendations regarding permitting, standards and requirements, maximum noise levels vary by county, enforcement, and alcohol licensing. These are summarized below.

Permitting

Methods of permitting amplified live music varied across the five counties. Two of the five counties—Placer and Santa Barbara—allow amplified music by right, without any special or conditional use permit. While Amador County allows amplified music by right in the AG (agricultural) district, it requires a conditional use permit for such uses in the R1-A district, single-family residential agricultural use

district. The other two counties, Sonoma and Santa Cruz, require a permit. Sonoma County requires a special event zoning permit which includes a proposal statement indicating details of the event and a site plan. The application process includes placing posters in the neighborhood of the event and a 10-day appeal period for neighbors to appeal the event. Santa Cruz County requires an amplified music permit.

Based on a review of the five ordinances, it is important to have clear requirements and descriptions of permitted activities in the code or permit, including differentiating between what is a special event and what is allowed live music during typical or standard tasting room operation. This is already effectively done in the County's existing Tiered Winery Ordinance.

Standards/Requirements

For the counties that allow amplified music by right, their zoning ordinances include a number of related standards including decibel level requirements, setbacks, and site plan submittals reviewed for compliance with setback requirements. Minimum setback distances are required from the property line and vary between 550 and 1,600 feet depending on jurisdiction, if adjacent to single-family residential, which Community Plan Area the property is located in, and type of instruments. In Amador County, the only requirement is that amplified music is permitted until 10:00 p.m.

Maximum Noise Levels Vary

Two of the five counties do not have a noise ordinance in their municipal codes. Santa Barbara County and Santa Cruz County both have maximum limits of 60 dBA at the property line for nighttime violations but vary during the daytime 65 dBA for Santa Barbara and 75 dBA for Santa Cruz. In Placer County the maximum decibel limit for daytime noise is 70 dBA and at nighttime the maximum noise decibel level is 65 dBA. Note that these maximum noise levels are 20 dBA higher than the County of San Diego limits of 50 dBA during the daytime and 45 dBA during the nighttime.

Opportunities to strengthen the County of San Diego Zoning Ordinance include amendments to specify hours of operation for outdoor amplified music, establish maximum performance sound levels at the source, and identify minimum setbacks or separation requirements for various sound levels based on minimum sound attenuation with distance from the source. The regulations should make a clear distinction between amplified music as an ancillary and accessory use to normal winery operations and special events using definitions and thresholds such as number of people, hours and duration, and number and frequency of special events allowed.

Complaint and Enforcement Process

Enforcement in all five jurisdictions is complaint-driven, so all respond retroactively to noise complaints. Sonoma County, Santa Barbara County, and Amador County do not require a sound level meter to administer a violation, law enforcement can make the determination whether a complaint is valid and recorded based on sufficient evidence. However, Santa Barbara County provides a sound measurement methodology and what type of sound equipment is required to take measurements. In Sonoma County, the amplified music must be live to receive a complaint; the music cannot be recorded or played from a CD or streaming device to be a valid complaint/violation.

The typical process for enforcement of the noise ordinance begins with a complaint which triggers an inspection. This is only effective if the noise is still occurring when the enforcement agency arrives at the property. Strategies for enforcement vary by county based on their resource allotment (i.e. number of

code enforcement staff, if they have a sound measuring device, ability for law enforcement to respond quickly) and general approach towards compliance (i.e. evidence/observation based or measurement based).

Three of the five counties provide methods on how to measure noise to assess a complaint. Methods included standards regarding the type of instrument used to measure noise levels (i.e. ANSI Standard SL4-1971 for Type 1 or Type 2 sound level meters). Thus, Zoning Ordinance revisions should include a method for measuring sound for violations of the ordinance. In Santa Cruz County, the noise measurement is required to be taken at the point on the property where the noise level is the highest. Santa Barbara County and Placer County describe the type of sound measurement equipment required, and it must meet the ANSI Type 1 or Type 2 standard. Placer County describes the ideal placement of the sound level meter when taking measurements (3–5 feet above the ground and away from reflective surfaces).

Four of the five counties use fines as an enforcement strategy. Fines range from \$100 to \$1,000 depending on number of consecutive violations, and are typically cumulative in cost. Additionally, three jurisdictions set a time limit of one year if a repeat citation/violation has been issued to the same property resulting in successive cumulative fines as the penalty. If the property goes a year without a repeat violation the time is reset. In Sonoma County, the multiplier factor used to determine a fine differs based on the use. Wineries are considered commercial and therefore a violation charge for a winery is a multiplier of 10 times the cost of the use permit. In Amador County, noise violations are the only violations with monetary fines in the code and increase with repeat violations if they occur within the same 12 month period.

Enforcement strategies such as incremental fines and the ability to revoke or amend a use permit are effective penalties for violations of noise ordinances and use permits. These strategies are only appropriate methods if and after a violation has been determined by the enforcement agency, if the violation is not confirmed there are no appropriate ways to enforce a penalty. Courtesy warnings prior to a formal citation have proven to be effective in limiting the amount of county resources needed to monitor and enforce.

Alcohol Beverage Control (ABC) Licensing

Most of the counties did not note any issues or specificities regarding ABC Licensing. Amador County is able to see who applies for an ABC license and checks with the zoning to ensure it is allowed as a use. If the use is not allowed, the applicant is denied a permit and must apply for a different permit.

Table 2
Comparison of County Ordinance and Enforcement Review

Agency / Municipal Code Section	Amplified Music Allowed by Right?	Type of Permit Required if Not Allowed By Right	Distinction Between Special Events and Live Amplified Music?	Amplified Music Standards / Requirements	Maximum Noise Limits	Violation Assessment / Methodology	Enforcement Strategy	Enforcement Details
Sonoma County 26-18-260	No	Special Event Zoning Permit	Winery events: Agricultural Promotional Events or Industry-Wide Events. Must be consistent with the hours of operation, maximum number of event days, maximum number of guests allowed, building occupancy limits, and other requirements identified in use permit.	Outdoor areas involving groups of people or nonamplified music (i.e., acoustic): 625 ft. Outdoor areas involving amplified music, or loud instruments such as brass instruments, horns, or drums: 1,600 ft.	N/A	Has to be live amplified music. Code enforcement receives report from law enforcement for violation determination. Do not have/use a decibel meter to measure noise.	Warning by law enforcement. Multiplier violation charge. <ul style="list-style-type: none"> • Wineries: 10 times the cost of the use permit. 	
Santa Barbara County 35.42.280	Yes	NA	Identified as a Special Event under Wine Ordinance. Minimum 20 acres; county may permit event on smaller site in review.	Amplified music shall not exceed 65 dBA at the exterior boundary of the winery premises. Depending on Comprehensive Plan Area, amplified music is allowed from 10 a.m. to 8 p.m. or from 10 a.m. to 11 p.m. or with a director determination.	Sunday, Monday, Tuesday, Wednesday, or Thursday between 10:00 p.m. and 7:00 a.m. or after 12:00 a.m. on Friday or Saturday, between 12:00 a.m. and 7:00 a.m. Sound must be discernable at a distance of 100 ft from the property	Sound measured using an instrument that meets ANSI's Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an equivalent device. Enforcement of a violation does not require the use of a sound level meter.	First violation up to \$100 fine. \$200 fine for second violation of the same ordinance within one year. \$500 fine for each additional violation of the same ordinance within one year.	

Agency / Municipal Code Section	Amplified Music Allowed by Right?	Type of Permit Required if Not Allowed By Right	Distinction Between Special Events and Live Amplified Music?	Amplified Music Standards / Requirements	Maximum Noise Limits	Violation Assessment / Methodology	Enforcement Strategy	Enforcement Details
				1,000 foot setback from residential one-family zone.	line of the property which it is broadcast or at a level greater than 60 dBA at the edge of the property line.			
Amador County 19.24.036	Yes – allowed as an incidental use in AG district only	Conditional use permit required for R1-A district.	Event uses dependent on setback distance and preferred road access. The greater the setback distance and access via a preferred road, the more events allowed.	Allowed until 10 p.m.	N/A	Prima facie violation process. Sufficient evidence required: credible witness statements, video or audio recordings.	First citation within a 12-month period: warning. Second citation within a 12-month period: \$200 fine. Third citation within a 12-month period: \$500 fine. Any successive citation within a 12-month period: \$1,000 fine.	No additional cost. Administrative warning is effective; No repeat complaints resulting in a citation have been documented after the County has issued an administrative warning.
Placer County 17.56.330	Yes – allowed with use permit but must prove compliance with setbacks prior to any event with amplified music	NA	"Special event" is an event of greater than 50 people at one time. Number of events allowed per year and max attendees dependent on parcel size and permit.	Have to submit a site plan for the proposed outdoor location of the event and the distance to the nearest residential receptor property line. If the distance between the proposed sound	Daytime (7 a.m. to 10 p.m.) 55 hourly Leq, dB 70 maximum level, (Lmax) dB Nighttime (10 p.m. to 7 a.m.) 45 hourly Leq, dB 65 maximum level, (Lmax) dB	Measured at the property line or at any location within the property of the affected sensitive receptor at the discretion of enforcement officer. Sound level meter shall be 3-5 feet above the ground.	Warning of a citation with time limit to correct violation. First citation fine: \$500 Second citation fine: \$750	A second of subsequent violations requires a special security assignment over and above the services normally provided and shall be charged against the responsible party. The county may collect any such

Agency / Municipal Code Section	Amplified Music Allowed by Right?	Type of Permit Required if Not Allowed By Right	Distinction Between Special Events and Live Amplified Music?	Amplified Music Standards / Requirements	Maximum Noise Limits	Violation Assessment / Methodology	Enforcement Strategy	Enforcement Details
			<ul style="list-style-type: none"> 4.6-10 ac = 6 events, attendees determined by permit 10-20 ac = 6 events, 100 attendees 20+ ac = 12 events, 200 attendees 	<p>source and nearest sensitive receptor property line is greater than distances below, then additional acoustical analysis is not required. If the distance between the proposed sound source location and nearest sensitive receptor property line is less than distance below, a site-specific noise analysis is required compliant with noise ordinance.</p> <p>Auburn/Bowman Community Plan</p> <ul style="list-style-type: none"> 20+ ac = 1,225 ft setback 10-20 ac = 925 ft setback <p>Other Community Plan Areas</p> <ul style="list-style-type: none"> 20+ ac = 750 ft setback 10-20 ac = 550 ft setback 	Reduced by 5 dB for simple tone noises, including music. The sound level standard shall not be lower than the ambient sound level + 5 dB.		<p>\$1,000 for the third and any subsequent citations.</p> <p>Fine amounts are cumulative when multiple are issued.</p>	costs for enforcement and costs of collection by use of all available legal means.

Agency / Municipal Code Section	Amplified Music Allowed by Right?	Type of Permit Required if Not Allowed By Right	Distinction Between Special Events and Live Amplified Music?	Amplified Music Standards / Requirements	Maximum Noise Limits	Violation Assessment / Methodology	Enforcement Strategy	Enforcement Details
				If the distance between the proposed sound source and nearest sensitive receptor property line is greater than setback requirements, no additional acoustical analysis needed. If the distance is less than the requirement, a noise analysis shall be required.				
Santa Cruz County 13.10.637	No	Amplified Music Permit	Outdoor marketing events dependent on number of guests and size of winery, zone district and use permit. Small events: 25 – 50 people Large events: 50+ people	Indoors: amplified music and acoustic music are permitted during indoor tastings and events. Outdoors: Acoustic music is permitted during outdoor events. Amplified outdoor music considered with an administrative permit, where appropriate considering specific site conditions	Day and evening hours: Sound must be discernable at a distance of 150 ft from the property line of the property which it is broadcast or at a level greater than 75 dBA at the edge of the property line. Night hours: Any noise between the hours of 10 p.m. and 8 a.m. and within 100 ft of any building used for sleeping; and	Conducted at the position or positions along the property line of the receiving land use closest to the noise source or where the noise level is highest.	A violation related to noise generation that is not allowed by a permit are grounds for the county to review, amend, or revoke the permit. Warning by law enforcement. A citation issued if after warning the violator resumes making noise within three months of the warning.	

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Agency / Municipal Code Section	Amplified Music Allowed by Right?	Type of Permit Required if Not Allowed By Right	Distinction Between Special Events and Live Amplified Music?	Amplified Music Standards / Requirements	Maximum Noise Limits	Violation Assessment / Methodology	Enforcement Strategy	Enforcement Details
				including proximity to noise-sensitive uses. The applicant may be required to submit an acoustic study and other documentation demonstrating that noise levels will be in accordance with the General Plan Noise Element and Noise Planning Ordinance.	discernable at a distance of 100 ft from the property line of the property which it is broadcast or at a level greater than 60 dBA at the edge of the property line.		Subsequent offense within 48 hours after receiving the same citation, is guilty of a misdemeanor.	

RECOMMENDATIONS FOR ZONING ORDINANCE IMPLEMENTATION

The following recommendations are provided for implementation in a Zoning Ordinance amendment so that wineries may comply with noise standards to allow live music performances by right in the County of San Diego. The ordinance amendments should emphasize that controlling the noise output level is the best and most direct method of ensuring compliance with the noise ordinance. If wineries and musicians control the noise levels appropriately, then fines, penalties, and strict enforcement measures will not need to be used for enforcement. The ordinance should provide standards and guidelines to help limit volumes so property owners can have a clear understanding of how to comply.

Overall, the recommended approach is to amend the zoning ordinance to provide clear objective standards that facilitate and improve compliance with the County Noise Control and Abatement Ordinance, avoid and minimize complaints and violations, and also reduce the demand and costs of enforcement actions.

Noise Standards: Hours of Operation

According to the County of San Diego Municipal Code Chapter 4, Section 36.404, *General Sound Level Limits*, a significant impact in noise would occur if any projects expose sensitive receptors to exterior noise levels in excess of 50 dBA during daytime (7 a.m. to 10 p.m.) and 45 dBA during nighttime (10 p.m. to 7 a.m.) or to an increase of 3 dBA over the preexisting ambient noise levels. Thus, all events and cleanup activities should occur during daytime hours (between 7 a.m. and 10 p.m.).

The ordinance should make a clear distinction between amplified music and special events, using definitions and thresholds such as number of people and number of events allowed. The ordinance should ensure that live music is only allowed during the standard hours of operation of the boutique wineries. Currently, tasting and retail areas at a boutique winery may operate seven days per week, from 10:00 a.m. to legal sunset (until 6 p.m. from November 1 to March 1). Limiting live music to hours of operation will ensure that music is not allowed during nighttime hours.

Setback Distances

The ordinance should establish setback distances from noise sources to sensitive receptors based on the natural minimum attenuation of sound levels with increased distance from the source. Since each winery would have site-specific considerations for speaker placement, property lines, and sensitive receptors, a general and conservative approach is used to calculate a recommended setback for different types of performances and noise levels. Maintaining adequate setback distances is recommended to ensure compliance with the noise standards. For the sake of the Zoning Ordinance amendments, a minimum setback distance can be determined based on the typical decibel level of music performances and case study results from field measurements.

Likewise, maximum performance levels can be set based upon distance between the nearest sensitive receptor and the location of the live outdoor music. This method allows a winery operator to work with the performers to ensure they do not exceed the maximum average sound level that is allowable at a particular location based on the distance to the nearest sensitive receptor. The winery can use easy to use measurements during set up and during performances to ensure and document compliance. This is the best way to ensure compliance, avoid and minimize complaints, and streamline and reduce costs of complaints and enforcement. The same tools and methods can be used to document violations to assist in compliance and enforcement.

As discussed above, noise generated by stationary sources typically attenuates at a rate between 6 dBA and about 7.5 dBA per doubling of distance. To determine the setback distance for the Zoning Ordinance, we recommend using the minimum 6 dBA was used for each doubling of distance. The assumed (or maximum) decibel level set is 10 feet away from the noise source, as was used in the measurements in the case study.

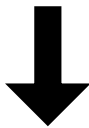
Table 3, *Required Setback Distances*, provides music volume levels from quieter to loudest, a typical instrumentation that would create that noise level, the decibel level at 10 feet from the source, and the proposed required setback from the sensitive receptor property line for that music performance. The distance from the property line is calculated using a minimum decrease of 6 dBA for the doubling of distance from 10 feet from the noise source. The measured decibel levels from the live music performances range from 72.1 to 91.5 dBA. This is a typical range of live music volumes as documented in the case study and in another similar study completed in Sonoma County.² For the purposes of Zoning Ordinance amendments, a maximum decibel level of 92 dBA is recommended. This would have the largest setback requirement of 1,400 feet to ensure attenuation with distance alone to less than the 50 dBA at the property line.

Based on the type of performance and decibel level of the music, different setbacks can be enforced. Music type and instrumentation in the table are provided in the table as a helpful guide and are not intended to be strict requirements. Understanding what type of music might be louder can help property owners ensure their setback is appropriate if for their live music performance. Typically, a quieter type of music would be a performer with an amplified acoustic guitar, with no horns, electric bass, or drums. At a level of 75 dBA, this type of music would require a 200-foot setback from the nearest sensitive receptor or property line to meet the 50 dBA limit.

The setback levels ensure that at the decibel levels provided, sound would not expose sensitive receptors to exterior noise levels in excess of 50 dBA during daytime (7 a.m. to 10 p.m.) and thus would not cause an impact as defined by County of San Diego Guidelines.

² Bollard Acoustical Consultants, INC., *Recommendations for General Noise Standards for Winery Events, Sonoma County*, November 28, 2017.

Table 3
Required Setback Distances

Music Volume Level	Illustrative Music Type (Typical Instrumentation) ¹	Noise Level 10 ft from source (dBA) ²	Required Setback from Property Line/Sensitive Receptor (Feet)
Quieter  Loudest (maximum allowable dBA)	Single or Duo Amplified Musician (typically no full drum set, no electric bass)	75	200
	Folk/Country: Multiple Musicians (typically include a drum set, a guitar, a bass guitar, a tambourine, a washboard, a violin and a mandolin)	80	350
	Classical Rock: Multiple Musicians (typically include a guitar, a drum set, a cello, and an electronic keyboard)	88	850
	Rock Band: Multiple Musicians (typically include a guitar, a drum set, an electric guitar, and a bass guitar)	92	1,400
1. Music type and musical instruments are based on the case studies. 2. Noise levels are rounded up to the nearest whole number.			

Project-Specific Noise Studies

The Zoning Ordinance should use setback distances to ensure that noise impacts from the live music performances will not exceed established noise limits. If the actual setback distances are greater than those identified in Table 3 for the proposed type of sound source(s), then no additional acoustical analysis would be required. However, the setbacks may not be achievable for all properties with boutique wineries. Setbacks should be used as a conservative baseline for all wineries; however, based on site-specific features such as set up and monitoring of performance sound levels, speaker placement and topography, individual sites may be able to comply with the noise ordinance with a lesser setbacks.

Should a boutique winery that cannot meet the setback requirements want to have live music during regular tasting hours, an option for a site-specific noise study should be included in the Zoning Ordinance. A site-specific noise study should be required if actual setback distances are less than as recommended above. These studies should consider shielding by barriers or structures, as well as evaluations of natural and artificial noise attenuation features. Project-specific site plans should consider parcel size, road access, road classification/ownership, adjacent existing/future land use, and type of music when developing setback distances for amplified music at wineries. Additional methods and options for reducing noise output include locating performances indoors, orienting speakers away from sensitive receptors, using multiple speakers with lower output, and controlling speaker volumes. These are described below.

Additional Mitigation Options

The Zoning Ordinance could provide the following set of additional mitigation options should setback distances not be achievable.

1. *Indoor Events:* Use indoor venues for amplified live music.

2. *Speaker Orientation*: Position speakers facing away from the nearest sensitive receptor line-of-sight or as far away as possible from the nearest sensitive receptors.
3. *Speaker Management*: Use multiple speakers at a lower volume. Control speaker volumes.
4. *Barriers and Vegetation*: Utilize existing walls or structures to shield noise. Ensure barriers block the line-of-sight between noise sources and receptors.

Violations and Enforcement

The Zoning Ordinance should provide details regarding handling complaints, violations, and enforcement of the ordinance. The following best practices should be considered.

- Accept video accompanied by time-stamped and of a minimum duration (e.g. five minutes) recording with a noise measurement device as evidence of or against a violation absent formal measurement by an enforcement officer at the time of the incident.
- Establish incrementally increasing fines and the revocation of the ability to have amplified live music for properties with a certain number of complaints. Include a courtesy warning prior to a formal citation. For those properties who have had their amplified live music rights revoked, include a process for the properties to earn back those rights after a certain period of time, proof of compliance, and/or payment of a fee.
- Consider implementing technology like a noise-monitoring system for properties that receive multiple violations. Companies like NoiseNet (www.noisenet.com) can install monitoring systems and provide noise data that can support or invalidate complaints regarding amplified music, such as decibel levels, type of noise, and direction of noise.
- Provide specific methodology on how noise is measured. Since the County already has an approved methodology for sound measurement, a new one does not need to be created. The ordinance can refer to San Diego County Code of Regulatory Ordinance, Chapter 4, Section 36.403, *Sound Level Measurement* for this process.