



County of San Diego, Planning & Development Services

FAQs - TIERED WINERY ORDINANCE

ZONING DIVISION

What is a Winery?

A Winery is an agricultural use under the Packing and Processing Use Type (Zoning Ordinance Section 1735.d-g) described as the crushing of grapes, berries and other fruits and fermentation, storage and bottling of a specified amount of wine per year, dependent upon the winery tier.

Why are there different Winery Tiers?

The County of San Diego has four Winery Tiers (classifications): Wholesale Limited Winery, Boutique Winery, Small Winery and Winery. The Wholesale Limited and Boutique classifications are intended for smaller winery operations. These two entry level classifications are allowed without a discretionary permit but are required to meet performance criteria. The primary distinction between these two tiers is that the Boutique classification allows tasting rooms and onsite sales to the public while the Wholesale Limited classification prohibits these activities. The remaining two tiers are intended for larger scale winery operations, may allow special events and require a discretionary permit. The Small Winery classification requires an Administrative Permit, and the Winery use classification requires a Major Use Permit. In both cases the discretionary permit process will ensure that the location, size, design and operating characteristic of the winery will be compatible with surrounding land uses.

Where can I establish a Winery Operation?

The Wholesale Limited, Boutique and Small Winery classifications are allowed in the A-70 (Limited Agriculture) and A72 (General Agriculture) Zones. The Winery classification is allowed in the A70 (Limited Agriculture), A72 (General Agriculture), RR (Rural Residential), RRO (Recreation-Oriented), RC (Residential-Commercial), S88 (Specific Plan Area) and S92 (General Rural) Zones. A Winery is allowed without a Major Use Permit in all Industrial Zones (approval of a Site Plan Permit may be required if the parcel is subject to a Special Area designator).

To determine the zone of your property, go to the Planning & Development Services webpage at https://publicservices.sdcounty.ca.gov/CitizenAccess/Report/ReportParameter.aspx?module=LUEG-PDS&reportID=2844&reportType=LINK_REPORT_LIST, enter the Assessor's Parcel Number (APN) and click "submit", scroll to the second page to the zone box or visit the Zoning Information Counter at Planning and Development Services, 5510 Overland Avenue, San Diego (Kearny Mesa), or call (858) 565-5981 or Toll Free (888) 267-8770.

What do I need to know before establishing a Winery?

Prior to establishing a Wholesale Limited, Boutique or Small Winery, grapevines must be planted on the property and the **vines must be producing fruit**. Note that it may take up to 3 years after planting before vines begin producing. These 3 winery tiers require that a **minimum** of 25 percent of the fruit used in winemaking be grown on the property where the wine is being made. A Major Use Permit is required for a winery to operate without growing the fruit on the property.

Things to consider:

- **Agricultural clearing permit:** Prior to clearing/grading of your property for any agricultural use, verify whether a clearing permit is required. Section 87.501 of the County Code states:
"Except as exempted by Section 87.502, no person shall do any clearing, nor shall an owner allow any clearing on his or her property or allow the property to remain in an unlawfully cleared condition, unless the person or owner has a valid clearing permit issued by the County Official authorizing such clearing."
<http://www.sandiegocounty.gov/pds/zoning/formfields/PDS-216.pdf>
- **Commercial building permits:** Prior to allowing members of the public onto a winery property, all structures used for the wine production, wine tasting, and/or any allowed events and any areas accessed by the public must be constructed (or converted) to commercial building standards. A Building Permit is required

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<http://www.sdcounty.ca.gov/pds>

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to insure that buildings meet the current Uniform Building Code and Americans with Disabilities Act (ADA). See pages 5 - 7 of this handout for more information. Applicants should contact the PDS Building Division at (858) 565-5920 or toll-free at (888) 336-7553 for Code standards and requirements. For additional information on the Building Permit process go to <http://www.sdcountry.ca.gov/pds/docs/pds441a.pdf>

- **Fire Authority approval:** The local Fire Authority Having Jurisdiction (FAHJ) shall review and approve the building plans prior to issuance of permits for conformance to the Consolidated Fire Code. It is recommended that coordination with the appropriate Fire Authority begin early in the planning stages to determine the scope of the improvements that will be required for the property; i.e. access (road improvements/design standards for easements, driveways, etc.) and water supply (fire sprinkler systems and design standards, fire hydrants, water storage tanks). County Fire Authority Plan Check contact information is available at <http://www.sandiegocounty.gov/content/dam/sdc/sdcfa/documents/prevention/CFA-20001-FAHJ-Contact-List-Public.pdf>
- **Stormwater:** All ministerial or discretionary permits for new development and redevelopment projects must comply with the County Watershed Protection Ordinance (WPO) and the Municipal Separate Storm Sewer Systems (MS4) Permit. This will require the preparation Storm Water Quality Management Plan (SWQMP). It is recommended that the strategy for storm water quality compliance be considered before completing a conceptual site design or sketching a layout of the project site. To determine the applicable storm water management requirements as well as options for compliance, go to http://www.sandiegocounty.gov/content/sdc/dpw/watersheds/DevelopmentandConstruction/BMP_Design_Manual.html
- **Adequacy of septic system:** for properties which are on a septic system, Department of Environmental Health (DEH) will need to review the design of the existing system to determine whether the system serving the private residence on site, with the addition of all commercial winery operations, is adequate. Upgrades to the septic system could be required. For additional information, contact the Department of Environmental Health, Septic Systems (Land and Water Quality Division) at (858) 565-5173 or (760) 471-0730. http://www.sandiegocounty.gov/content/sdc/deh/lwqd/lu_septic_systems.html

How do I establish a Boutique Winery?

Boutique Wineries do not require a discretionary permit; however, the standards and provisions of Section 6910.b of the County's Zoning Ordinance are required to be met in order to establish and operate a Boutique Winery.

How do I establish a Small Winery?

The Small Winery classification requires an Administrative Permit. This tier allows for larger production facilities and tasting areas as well as extended hours of operation and hosting events. Please see use the following link to access the Small Winery Applicant Guide:

<http://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/formfields/PDS-902.pdf>

How do I establish a (large) Winery?

The Winery classification requires a Major Use Permit. Please use the following link below to access the Major Use Permit Applicant Guide. Note: a Winery is allowed without a Major Use Permit in all Industrial Zones.

<http://www.sdcountry.ca.gov/pds/zoning/formfields/PDS-313.pdf>

What is needed to open a tasting room/area?

Provided all performance standards of the ordinance are met, a tasting room/area and retail sales area is allowed for the Boutique Winery, Small Winery or Winery classifications for the purpose of allowing tasting of the wine produced at the winery and for on-site sales of the wine to the public. Tasting rooms are subject to

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the limitations listed for each classification stated in the ordinance or by the approved discretionary permit, including size and hours of operation. Tasting/retail areas at a Boutique Winery may operate seven days per week, from 10:00 am to legal sunset (until 6pm from November 1 to March 1). Prior to opening a tasting room/area to the public, building permits will be required to convert an existing structure to a tasting room/area or to construct a new structure. Commercial building standards will apply to all structures which are open to the public and may include requirements for restrooms and ADA accessibility (see pages 6 and 7 for additional information). Tasting/retail sales rooms/areas may not be located within a single family residence on the property. Permits will be required from the state Department of Alcoholic Beverage Control and may also be required from the Department of Environmental Health.

Can I start my Boutique/Small Winery tasting room before I am making wine on the property?

No, the on-site wine production facility should be producing wine prior to operation of a tasting room and selling wine to the public (and before hosting events at a Small Winery). There are limitations to the amount of wine that may be imported to a Boutique Winery or Small Winery from within and from outside the county, as specified in the ordinance.

Are Wineries allowed to serve food?

The sale and consumption of pre-packaged food is allowed at Boutique and Small Wineries. Refrigeration shall be approved by the County of San Diego Department of Environmental Health. Catered food service is allowed. Catered food service includes the provision of food that is ready to consume and has been prepared off the winery premises. One mobile food facility (food truck) may be allowed at a Boutique or Small Winery during the hours of operation, provided the food truck employees have access to a commercial restroom. Food service at a Winery is determined by the Major Use Permit approval.

<http://www.sandiegocounty.gov/content/sdc/deh/fhd/food/food.html>

http://www.sandiegocounty.gov/content/dam/sdc/deh/fhd/mobilefood/operatorsguide_en_mp.pdf

Can events be held at a winery?

A winery classified as a Small Winery or Winery may hold events as specified in the associated Administrative Permit or Major Use Permit. Events, including weddings and parties are prohibited at wineries classified as Boutique Wineries or Limited Wholesale Wineries.

What is an event?

An event 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.

Events or activities such as fashion shows, jewelry, art or craft shows/sales, yoga classes, massages, art/craft instruction, weekly or holiday lunches and/or dinners, live music concerts, dinner theatre, offering the winery space for meetings/retreats, etc. are not permitted at wineries classified as Boutique Wineries or Wholesale Limited Wineries. In order to allow these types of events, an Administrative Permit is required for a "Small Winery" or a Major Use Permit is required for a "Winery".

For Boutique Wineries, as on other properties in the County, "community events" may be allowed, limited to six times per year, subject to all regulations in County Code Section 21.201 et seq. A Community Events permit is required from the Department of Environmental Health. For additional information go to:

<http://www.sandiegocounty.gov/content/sdc/deh/fhd/food/cep.html>

Where can I store equipment associated with grape growing, harvesting and wine making?

Wine making must take place in the approved wine production facility on the property and equipment associated with winemaking is should also be stored in the production facility structure. However, staff has determined that storage of large equipment such as tractors, fork lifts, large bins, de-stemmers and other grape growing and harvesting equipment (some of which is only used one time per year), could be considered

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separately from the limited production facility. This equipment is typically associated with the grape growing and harvesting on the site rather than wine production.

This equipment may be stored in a permitted storage building, barn or agricultural building which is accessory to the single family dwelling on the property. The area of the storage building may not be included in the calculation of “production facility” for purposes of calculating the allowed tasting/retail sales area of a Boutique Winery. In addition, no wine production will be allowed in the accessory storage structure unless the structure is permitted as part of the “production facility” within the size limits allowed on the property.

Ordinance Summary:

A summary of the Ordinance is provided in the table below:

Summary of Tiered Winery Ordinance <i>(Ord. No. 10425 (N.S.))</i>				
	Wholesale Limited	Boutique	Small	Winery
Zoning Ordinance Section	6910	6910	6910	1735.d
Requirements for Discretionary Permit	None	None	Administrative Permit	Major Use Permit
Production Equivalent cases	≤12,000 gallons per year ≤5,000 cases per year	≤12,000 gallons per year ≤5,000 cases per year	≤120,000 gallons per yr ≤50,000 cases per year	No minimum or maximum No minimum or maximum
Origin of Grapes				
On-premise origin	At least 25% of total	At least 25% of total	At least 25% of total	No origin required
Within San Diego County	Up to 75% of total from within or outside SD County, may include fruit or juice only, not wine	Up to 50% of total, may include fruit, juice or wine (wine must be made from SD County grown grapes)	Up to 25% of total, may include fruit, juice or wine (wine must be made with SD County grown grapes)	No origin required
Outside San Diego County	Up to 75% of total from within or outside SD County, may include fruit or juice, not wine	Up to 25% of total, may include fruit, juice or non-bottled bulk wine	Up to 50% of total, may include fruit, juice or wine	No origin required
Wine Sales				
Internet, phone, mail	Allowed	Allowed	Allowed	Allowed
On-site Sales to Public	Prohibited	Allowed	Allowed	Allowed
Tasting Room	Prohibited	Allowed	Allowed	Allowed
Tasting Room Size	Not applicable	Limited to 30% of the square footage of the structure dedicated to wine production	Defined in Administrative Permit	Defined in Major Use Permit
Wine Production Structure (required on site for Wholesale Limited, Boutique and Small)	<1 ac. = 1,000 s.f. ≥1 ac. and <2 ac. = 1,500 s.f. ≥2 ac. and ≤4 ac. = 2,000 s.f. add 200 s.f. for each ac. >4 with a maximum of 5,000 s.f.	<1 ac. = 1000 sq. ft. ≥1 ac. and <2 ac. = 1,500 sq. ft. ≥2 ac. and ≤4 ac. = 2,000 sq. ft. add 200 sq. ft. for each ac. >4 with a maximum of 5,000 s.f.	Defined in Administrative Permit	Defined in Major Use Permit

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Emergency Response Time	Shall demonstrate compliance with the emergency travel times specified in the Public Facilities Element, Section 11.	Shall demonstrate compliance with the emergency travel times specified in the Public Facilities Element, Section 11.	Shall demonstrate compliance with the emergency travel times specified in the Public Facilities Element, Section 11.	Shall demonstrate compliance with the emergency travel times specified in the Public Facilities Element, Section 11.
Food Service	Prohibited	Pre-packaged and catered food only, one mobile food facility, if permitted commercial restroom is on-site	Pre-packaged and catered food only, one mobile food facility, if permitted commercial restroom is on-site	Defined in Major Use Permit
Events	Prohibited	Prohibited, except "Community Events" as allowed by County Code Section 21.201 et seq.	Defined in Administrative Permit if findings can be made, and "Community Events" as allowed by County Code Section 21.201 et seq.	Outdoor events only per Major Use Permit for Participant Sports and Recreation (1505.b)
Signs (Section 6252.u)	Up to 4 sq. ft.	Up to 12 sq. ft.	Up to 12 sq. ft.	Defined in Major Use Permit
Hours of Operation	Not applicable	10 A.M. to sunset, seven days a week (Nov.1 - Mar. 1: 10 am to 6 pm)	Defined in Administrative Permit	Defined in Major Use Permit
Driveway and Parking*	Not Applicable	Chip seal, gravel, recycled asphalt**, etc.; six space for customers and three spaces for operations	Defined in Administrative Permit	Defined in Major Use Permit
Outdoor Amplified Sound	Prohibited	Prohibited	Defined in Administrative Permit	Defined in Major Use Permit
Eating Areas	Prohibited	Outdoors and maximum of five tables and 20 seats	Defined in Administrative Permit	Defined in Major Use Permit
Tour Buses	Prohibited	Passenger capacity >15 prohibited	Defined in Administrative Permit	Defined in Major Use Permit
Other Compliance Federal State County	Hold permits to produce and sell wine issued by TTB Hold 02 Winegrower's permit issued by ABC Obtain required permits for any new grading, construction, or conversion of structures			

* **Subject to ADA compliance**

** **If approved by Fire Authority Having Jurisdiction**

Winery Building Code FAQs

When does a winery require a building permit?

Per section 91.1.105 of the County of San Diego Building Code, a permit is required whenever a building or structure is constructed, enlarged, altered, moved, or converted. Therefore any building or structure serving functions of the winery – i.e., tasting rooms, production/storage areas, restrooms, outdoor patios, other public spaces – are subject to permit, whether it is new construction or existing construction converted to a new use.

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Why is a building permit required?

A permit verifies the project – through the plan check and inspection process – meets the minimum code requirements to protect occupants and emergency personnel against fire and other hazards. These provisions ensure adequate structural strength, exiting, fire protection, accessibility, sanitation, interior environment, and energy efficiency.

What building code occupancy classifications apply to wineries?

The occupancy classification of a particular space establishes the construction, exiting, fire protection, and other code requirements applicable to that space. Winery rooms and spaces shall be classified as follows per the California Building Code (CBC):

- A-2 for tasting rooms of 750 square feet or more (CBC 303.1)
- B for tasting rooms less than 750 square feet (CBC 303.1)
- F-1 for wine production areas (CBC 306.2)
- S-1 for wine storage areas (CBC 311.2)

In determining tasting room occupancy classification, restrooms may be considered accessory space and not included in square footage calculation.

Do winery buildings require sprinklers?

Per section 96.1.903.2 of the County of San Diego Consolidated Fire Code, sprinklers shall be installed in all new winery structures. Alterations or conversions of existing construction may require sprinklers if significant modification to interior or roof is proposed and cost of sprinkler installation does not exceed 15 percent of construction cost.

What winery elements must meet disabled access requirements?

Wineries are considered public accommodations per CBC 202 definition, and thus all interior and exterior areas intended for use by patrons – including any spaces included on facility tours – shall be accessible per CBC chapter 11B. These requirements include – but may not be limited to – the following:

- Parking (CBC 1129B)
- Exterior routes of travel (CBC 1127B and CBC 1133B)
- Building entrances, exits, and interior paths of travel (CBC 1133B)
- Restrooms (CBC 1115B)
- Seating, counters, and bars (CBC 1104B.5 and CBC 1122B)
- Signage (CBC 1117B.5)
- Employee areas (CBC 1123B and CBC 1104B.5)

Spaces not typically occupied – such as maintenance rooms, utility sheds, crawl spaces, etc. – are exempt from accessibility provisions.

How many restrooms must the winery provide?

A single unisex restroom is sufficient for wineries with small tasting rooms (less than 750 square feet), limited outdoor patios (maximum 300 square feet), and no public events. All other wineries will require separate gender restrooms with fixture count determined per *California Plumbing Code* Table 4-1 and based on cumulative tasting room, outdoor patio, and event area. Any restrooms serving the winery shall meet the accessibility provisions of CBC 1115B.

Do additional requirements apply to winery caves?

Yes. CBC 436 specifically addresses subterranean space for winery facilities in natural or manmade caves. The section applies to winery caves accessible or not accessible to the public and includes more restrictive provisions for fire protection and exiting.

Winery Code Application

	Wholesale Limited	Boutique winery	Small winery	Winery
Disabled access required to public spaces ¹ and associated restroom(s)	NA	Yes	Yes	Yes
Disabled access required to centrally located ² wine storage/production areas	NA	Yes	Yes	Yes
Disabled access required to remotely located ³ wine storage/production areas	No	Limited ⁴	Limited ⁴	Limited ⁴
Tasting room fire separation per CBC 508 from adjacent occupancies	NA	Yes	Yes	Yes
Wine storage/production fire separation per CBC 508 from adjacent occupancies	Existing construction ⁵ : No New construction: Yes	Existing construction ⁵ : No New construction: Yes	Yes	Yes
Tasting room sprinklers	NA	Yes	Yes	Yes
Wine storage/production sprinklers	Existing construction ⁵ : Per Consolidated Fire Code 903.2.2 ⁶ New construction: Yes	Existing construction ⁵ : Per Consolidated Fire Code 903.2.2 ⁶ New construction: Yes	Existing construction ⁵ : Per Consolidated Fire Code 903.2.2 ⁶ New construction: Yes	Existing construction ⁵ : Per Consolidated Fire Code 903.2.2 ⁶ New construction: Yes
Public restroom requirements	NA	Tasting room < 750 s.f. ⁷ : Single unisex restroom Otherwise: Separate gender restrooms ⁸	Tasting room < 750 s.f. with maximum 300 s.f. outdoor patio and no events: Single unisex restroom Otherwise: Separate gender restrooms ⁸	Tasting room < 750 s.f. with maximum 300 s.f. outdoor patio and no events: Single unisex restroom Otherwise: Separate gender restrooms ⁸

- 1 Public spaces include any interior and exterior areas available to customers or guests for tasting, sales, seating, tours, dining, events, picnics, walks, or other similar uses.
- 2 Located within 100 feet of public spaces
- 3 Located more than 100 feet from public spaces
- 4 Accessibility provisions modified to require only accessible entry door, threshold, and landing located on accessible route from level 17-foot-wide by 18-foot-deep parking area. Parking striping and signage not necessary unless paved parking required by County zoning ordinance or Fire Authority Having Jurisdiction.

- 5 Existing construction applies only to work with previous permit and passed final inspection by the County of San Diego.
- 6 Sprinklers required if significant modification to interior or roof and cost of sprinkler installation does not exceed 15 percent of construction cost.
- 7 Outdoor seating associated with tasting room – limited to maximum five tables and 20 seats – need not be included in square footage calculation.
- 8 Fixture count per CPC Table 4-1 and based on cumulative tasting room, outdoor patio, and event area