

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

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

Live music, as allowed under **certain additional** criteria in this Section, does not constitute **an a prohibited event if provided accompanies the permitted commercial activities for the Boutique Winery (wine sales, wine tasting) it is incidental to the primary activities listed above, and, and the live music does not require a separate paid ticket or other entry fee. Allowed winery activities may be open to the public or limited to wine club members or other ticketed participants. For private activities, the winery may close in order to limit entry.**

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 Boutique Wineries to close for private gatherings such as wine clubs, if the gatherings are associated with only the allowed activities listed. 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.

Rationale for highlighted post-public review edit to Sections 8.ii and 8.iii above: The draft Ordinance that was on public review did not allow a Zoning Verification Permit with noise study process to seek a reduction in the 200' setback (allowed it for other setback standards) because it is unlikely that live amplified music could meet Noise Ordinance property line standards with a smaller setback, without noise attenuation components added to a site. The 200' setback is associated with the lowest live music source noise levels in the case study analysis (most live music had louder source noise levels requiring larger setbacks). However, winery stakeholders have raised concern about the conservative assumptions used in the noise analysis and have argued that a reduced setback may be feasible when considering site specific conditions such as topography and other site-specific noise attenuating factors. Therefore, the updated draft Ordinance under consideration would allow a Zoning Verification Permit with noise study process to seek a reduction in the 200' setback.

- 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. A-Weighted Sound Level (dBA): The sound level in decibels as measured on a sound level meter using the A-weighted network. The A-weighted network measures sound that most closely resembles what the human ear hears. Sound measured using the A-weighted network is designated dBA.

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

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 Zoning Ordinance 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. Sections 14, 15, and 16 are highlighted in italics due to the number changes with the removal of the prior Section 14 text.