

FORMAL COMMENT LETTER

Date: November 25, 2025

To:

County of San Diego – Planning & Development Services
Long Range Planning
5510 Overland Avenue
San Diego, CA 92123

Cc:

Clerk of the Board of Supervisors
1600 Pacific Highway
San Diego, CA 92101

Subject: Formal Comment on PDS2025-POD-25-004 – Inclusion of Agricultural Breweries, Distilleries, Cideries & Meaderies

Dear Planning & Development Services and Members of the Board,

I respectfully submit this formal comment regarding PDS2025-POD-25-004. While the ordinance update modernizes amplified music allowances for Boutique Wineries, it does not currently include agricultural breweries, agricultural distilleries, cideries, and meaderies — all of which are recognized as agricultural uses under the Agriculture Promotion Program (2017).

These operations are agricultural in nature, rely on on-site crops, carry the same land-use characteristics as wineries, and serve identical agritourism functions. As such, consistent treatment is warranted.

BASIS FOR REQUESTED MODIFICATION

1. Policy Consistency

The 2017 Agriculture Promotion Program explicitly authorized breweries, distilleries, cideries, and meaderies as agricultural uses.

2. Operational Equivalency

Their noise, traffic, tasting-room scale, and event impacts mirror those of Boutique Wineries.

3. Avoidance of Future Legal Exposure

Omitting agricultural beverage producers creates an arbitrary distinction between land uses that are otherwise treated identically under County policy. This exposes the County to potential selective enforcement claims, equal protection-based challenges, and administrative appeals.

RECOMMENDED LANGUAGE

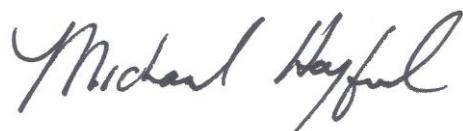
“For the purposes of accessory amplified music allowances, Agricultural Breweries, Agricultural Distilleries, Cideries, Meaderies, and other agricultural beverage producers permitted under the Agriculture Promotion Program shall be afforded the same allowances as Boutique Wineries.”

CONCLUSION

Including these operations supports agricultural viability, preserves policy consistency, eliminates enforcement ambiguity, and reduces legal exposure for the County.

Thank you for your time and consideration.

Sincerely,



Michael Hayford
CEO
UGC Holdings Co. Inc.

[REDACTED]
[REDACTED]

TECHNICAL MEMORANDUM

RECOMMENDATION TO INCLUDE AGRICULTURAL BREWERIES, DISTILLERIES, CIDERIES & MEADERIES IN PDS2025-POD-25-004

1. PURPOSE

This memo provides a land-use-based justification for revising PDS2025-POD-25-004 to include all agricultural beverage producers — agricultural breweries, agricultural distilleries, cideries, and meaderies — in the same amplified music provisions proposed for Boutique Wineries.

2. EXISTING REGULATORY FRAMEWORK

2.1 AGRICULTURE PROMOTION PROGRAM (2017)

The 2017 amendments to the Zoning Ordinance explicitly recognized microbreweries, micro-distilleries, cideries, meaderies, and other agricultural beverage producers as permitted agricultural uses when production uses on-site crops.

2.2 BOUTIQUE WINERIES (§6910)

Boutique Wineries are permitted tastings, direct sales, and limited events. POD-25-004 expands accessory amplified music for these facilities.

2.3 GAP CREATED BY THE DRAFT ORDINANCE

POD-25-004 does not mention breweries, distilleries, cideries, or meaderies, despite their identical agricultural classification and operational footprint.

3. OPERATIONAL EQUIVALENCY

These producers share the same agricultural input requirements, tasting room operations, trip generation, noise environment, visitor patterns, and agritourism function as wineries.

4. POLICY RATIONALE FOR INCLUSION

Consistency with County policy, support for agricultural viability, and reduction of enforcement ambiguity.

5. AVOIDANCE OF FUTURE LEGAL EXPOSURE AND REGULATORY AMBIGUITY

Excluding these producers could create arbitrary distinctions contrary to the Agriculture Promotion Program and expose the County to potential legal challenges such as writs of mandate, selective enforcement claims, and equal protection arguments.

6. RECOMMENDED LANGUAGE

“For the purposes of accessory amplified music allowances, Agricultural Breweries, Agricultural Distilleries, Cideries, Meaderies, and other agricultural beverage producers permitted under the Agriculture Promotion Program shall be afforded the same allowances as Boutique Wineries.”

7. CONCLUSION

Revising POD-25-004 to include these producers maintains policy consistency, supports rural agricultural operations, avoids legal ambiguity, and ensures equitable treatment of all agricultural beverage producers.