

DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR ISSUANCE OF AN ALCOHOLIC BEVERAGE CONTROL LICENSE

WHEN IS A PUBLIC CONVENIENCE OR NECESSITY (PCN) REQUIRED?

When a business applies for a license with from the California Department of Alcoholic Beverage Control (ABC) for alcohol sales, the ABC will advise an applicant whether a PCN determination must be obtained from the City of Brisbane in order for ABC to issue a license to sell alcohol at the subject location. A PCN determination may be required if the subject census tract contains more licenses than the State has allocated (based on population density). PCN determinations typically apply to requests for off-sale retail licenses, but may also apply to certain on-sale retail establishments. A PCN determination may not be required for transfer of a license from one location to another within the same census tract.

WHAT HAPPENS IF I NEED A PCN DETERMINATION?

If the ABC advises an applicant that a PCN determination must be obtained from the City of Brisbane in order for a license to sell alcohol to be issued, the applicant must submit a completed planning application for a “PCN Determination” to the Community Development Department. <https://www.brisbaneca.org/cd/page/planning-applications-checklists-and-handouts>. All items listed in the “Determination of Public Convenience or Necessity Application Submittal Checklist” must be submitted in order for the application to be considered complete for processing. Your application will not be accepted if all of the items listed are not submitted. After your application is assigned to a planner, you may be contacted and asked to provide additional information.

WHO MAKES A PCN DETERMINATION?

The Community Development Director makes a PCN determination, unless the project includes a related entitlement that requires review by the Planning Commission, in which case the Planning Commission will make a decision on the PCN determination in concert with their action on the requested land use permits. A PCN determination will be made within 90 days of a receiving a complete application. Notice of the Director’s PCN determination will be mailed to all property owners and residents within 300 feet of the site. Appeals of a PCN determination are made to the City Council.



CITY OF BRISBANE
Community
Development
Department
50 Park Place,
Brisbane, CA 94005

PCN APPLICATION REQUIREMENTS

1. Completed Planning Application and fee
2. Determination of PCN Application Checklist documentation:
 - i. Development Plans
 - ii. Supporting Statements
 - iii. Copy of ABC Liquor License Application
 - iv. Documentation from ABC indicating a PCN determination is required

(continued)

HOW IS A PCN DETERMINATION MADE?

The following findings must be made to determine whether public convenience or necessity will be served by issuance of an on-sale retail or off-sale retail alcohol license:

1. The property for which the license is requested has no active Building Code or Health Code violations of record and is a permitted use; and
2. The proposed establishment is not located within an area that the proposed use would:
 - a. be detrimental to the public health, safety, or welfare of persons located in the area; or
 - b. increase the severity of existing law enforcement or public nuisance problems in the area; and
3. At least one of the following additional findings:
 - a. The proposed establishment for the on-sale or off-sale of alcoholic beverages would act as a convenience to an underserved portion of the community; or
 - b. The proposed establishment for the on-sale or off-sale of alcoholic beverages would enhance or facilitate the vitality of an existing commercial area; or
 - c. The proposed on-sale or off-sale of alcoholic beverages is incidental and associated with a larger retail use and provides for a more complete and convenient shopping experience.

MORE INFORMATION

- Information about the California Department of Alcoholic Beverage Control license application process is available here:
<https://www.abc.ca.gov/licensing/apply-for-a-new-license/license-application-process/>
- Application Fees – The City of Brisbane’s Master Fee Schedule indicates the application fee for a PCN Determination, available here:
<https://www.brisbaneca.org/cd/page/informational-handouts-0>
- For questions about zoning information, building permits, codes, inspections or plan review, call (415) 508-2120 or visit the Community Development Department at 50 Park Place, Brisbane, CA 94005.
<https://www.brisbaneca.org/cd>

PCN PROCESS FLOW CHART

