SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR
Formula Retail Establishments

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.6378
F: 415.558.6409

Date: **September 17, 2012**

To: **Applicants proposing a Retail Use Establishment**

From: **San Francisco Planning Department**

Re: **Affidavit for Formula Retail Establishments**

Under Planning Code Section 303(i), certain retail uses must have additional review to determine if they qualify as a Formula Retail Establishment. If a use does qualify as a Formula Retail Establishment, then additional controls will apply depending on the zoning district where the proposed business will be located.

Businesses subject to the formula retail establishment controls include the following 'Retail Sales Activity' or 'Retail Sales Establishment' as defined in Article 7 and Article 8 of the Code:

Amusement Game Arcade
(§§790.4, 890.4)

Bar
(§§790.22, 890.22)

Drive-up Facility
(§§790.30, 890.30)

Eating and Drinking Use
(§§790.34, 890.34)

Liquor Store
(§790.55)

Movie Theater
(§§790.64, 890.64)

Limited Restaurant
(§790.90)

Restaurant
(§790.91)

Sales and Service, Other Retail
(§§790.102, 890.102)

Sales and Service, Non retail
(§§790.100, 890.100)

Sales and Service, Retail
(§§790.104, 890.104)

Service, Financial
(§§790.110, 890.110)

Take-out Food
(§§790.122)

If the proposed business is listed above and there is a Permit Application for any Alterations, New Construction, Commercial Tenant Improvements, Change of Use or Signage which relates to the establishment of that use, then ***before the project application is considered complete this checklist must be completed and signed as required below***.

All retail use establishments must fill out the following form and sign the Affidavit before the Planning Department can complete review of a permit.

PROJECT ADDRESS:		
BLOCK/LOT:	ZONING DISTRICT:	EXISTING/PREVIOUS USE & SQUARE FOOTAGE:

Proposed Use

NAME OF PROPOSED USE CATEGORY PER ARTICLE 7 OR 8, AS APPLICABLE:
PROPOSED BUSINESS NAME:
DESCRIPTION OF PRODUCTS OR SERVICES:

Retail Operation

1 A	Number of Retail Locations in Operation	How many retail locations of this business are currently in operation nationwide?	
1 B	Other Pending Locations in San Francisco	How many other sites in San Francisco have pending applications or approved permits to establish additional locations for this business that have not commenced operation?	
1 C	Other Pending Locations Nationwide Outside of San Francisco	How many other US sites outside of San Francisco have pending applications or approved permits to establish additional locations for this business that have not commenced operation?	

If the number entered on Line 1 A above is 12 or more then the proposed use may be a Formula Retail Use and the questions in the following table must be answered. If the sum is 11 or fewer the Applicant does not need to provide any additional information on this form and may proceed to sign the Applicant's Affidavit on the subsequent page.

STANDARDIZED FEATURES			YES	NO
2	Standardized array of merchandise	Will this proposed use sell merchandise from a single distributor, bearing uniform markings and comprising 50% or more of the merchandise offered for sale, as measured by shelf or display space, in common with other locations of this business?		
3	Standardized facade	Will the proposed facade (face or front of the building looking onto a street or an open space), including awnings, have a facade design in common with other locations of this business?		
4	Standardized decor and color scheme	Will the interior of the business space, which may include but is not limited to, finishes, style of furniture, wall coverings, permanent fixtures or furnishings, have a style in common with other locations of this business?		
5	Uniform apparel	Will the proposed business require standardized items of clothing for employees, including but not limited to aprons, pants, shirts, smocks or dresses, hats and pins)other than name tags) as well as standardized colors of clothing style in common with other locations of this business?		
6	Standardized signage	Will the proposed business display one or more business signs (as defined in §602.3 of the Planning Code) in common with other locations of this business?		
7	Trademark or Service mark	Will the proposed business utilize a Trademark (a word, phrase, symbol or design, or a combination of those that identifies and distinguishes the source of the goods of one party from those of others) or a Service mark (a word, phrase, symbol or design, or a combination of those that identifies and distinguishes the source of the services of one party from those of others) in common with other locations of this business?		
8	Total Features	Enter the total number of "YES" responses from lines 1 (previous page) through 7		

Requirements and Provisions of the Code

If the number of national locations (excluding the location proposed in this application) in Line 1 A is 12 or more and if the number of total standardized features of this business in Line 8 is 2 or more, then the proposed use is a Formula Retail Use.

All Building Permit Applications for Formula Retail Uses for any use categories permitted shall be subject to the notification and design review procedures of §312 of the Planning Code as changes of use.

If the Planning Department determines that an application or permit is for a Formula Retail Use the permit applicant of holder bears the burden of proving to the Planning Department that the proposed or existing use is not a Formula Retail Use. Any permit approved for a use that is determined by the Planning Department to be for a Formula Retail Use that did not identify the use as such is subject to revocation at any time.

Applicant's Affidavit

By signing below, I acknowledge: That I am the owner or authorized agent of the owner of this property; that I am familiar with the proposed business and its operation; that I have read and completed this form in its entirety and the information presented is true and correct to the best of my knowledge; and that I understand that receipt of these materials by the Planning Department does not mean that the application has been accepted as complete.

Signature: _____ Date: _____

Print name, and indicate whether owner, or authorized agent:

_____ Phone: _____
Owner / Authorized Agent (circle one)

Mailing Address: _____ Email: _____

Planning Department Determination

THIS SECTION TO BE COMPLETED EXCLUSIVELY BY PLANNING DEPARTMENT STAFF

The proposed use has been determined to be a Formula Retail Use: Yes ☐ No ☐

In the subject District the proposed use is: Principally Permitted ☐

Requires Conditional Use ☐

Not Permitted ☐

Subject Address: _____ Block/Lot: _____

Application No.: _____ Date Filed: _____

Application Type: _____

Signature: _____ Date: _____

Printed Name: _____ Phone: _____