



AFFIDAVIT FOR FORMULA RETAIL ESTABLISHMENTS

APPLICATION PACKET

Pursuant to Planning Code Section 303.1, certain retail uses must have additional review to determine if they qualify as a Formula Retail Use. The first pages consist of instructions and important information which should be read carefully before the affidavit form is completed.

For questions, call 415.558.6377, email pic@sfgov.org, or visit the Planning Information Center (PIC) at 1660 Mission Street, San Francisco, where planners are available to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415.575.9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

中文: 如果您希望獲得使用中文填寫這份申請表的幫助，請致電415.575.9010。請注意，規劃部門需要至少一個工作日來回應。

Tagalog: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415.575.9010. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

WHAT IS A FORMULA RETAIL USE?

A Formula Retail Use is a type of retail sales activity or retail sales establishment which has 11 other retail sales establishments located globally. In addition, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark.

WHAT TYPES OF BUSINESSES ARE REGULATED AS FORMULA RETAIL USES?

Businesses subject to the formula retail establishment controls include the following 'Retail Sales Activity' or 'Retail Sales Establishment' as defined in Article 1 and Article 8 of the Code:

- Amusement Game Arcade (§§102, 890.4)
- Bar (§§102, 890.22)
- Cannabis Retail (§§102, 890.125)
- Drive-up Facility (§§102, 890.30)
- Eating and Drinking Use (§§102, 890.34)
- General Grocery (§102)
- Gym (§102)
- Jewelry Store (§§102, 890.51)
- Limited-Restaurant (§102)
- Liquor Store (§102)
- Massage Establishment (§§102, 890.60)

- Movie Theater (§§102, 890.64)
- Non-Auto Vehicle Sales or Rental (§§102, 890.69)
- Pharmacy (§102)
- Restaurant (§102)
- Retail Sales and Service, General (§102)
- Sales and Service, Other Retail (§§102, 890.102)
- Sales and Service, Retail (§§102, 890.104)
- Service, Financial (§102)
- Service, Fringe Financial (§§102, 890.113)
- Service, Instructional (§102)
- Service, Limited Financial (§102)
- Service, Personal (§§102, 890.116)
- Specialty Grocery (§102)
- Tobacco Paraphernalia Establishment (§§102, 890.123)
- Tourist Oriented Gift Store (§§102, 890.39)

This affidavit for Formula Retail must accompany any Building Permit Application for any Alterations, New Construction, Commercial Tenant Improvements, Change of Use or Signage which relates to the establishment of that use.

IS A CONDITIONAL USE AUTHORIZATION OR NEIGHBORHOOD NOTIFICATION NECESSARY?

If a use does qualify as a Formula Retail establishment, then additional controls may apply depending on the zoning district where the proposed business will be located. Please consult the Public Information Center (PIC) for guidance on whether Conditional Use Authorization or Neighborhood Notification is required.

HOW IS FORMULA RETAIL STATUS DETERMINED?

If the number of worldwide locations is 12 or more, including the proposed location, and if the number of total standardized features of this business is two (2) or more, then the proposed use is a Formula Retail.

Applicants are responsible for providing accurate information about proposed uses. The Planning Department will determine whether an application or permit is for a Formula Retail use. Any permit that has been approved is subject to revocation if it is determined to have been for a Formula Retail use at the time of approval.

ARE PROPOSED LOCATIONS INCLUDED IN MY TOTAL QUANTITY OF RETAIL LOCATIONS?

Yes. Any worldwide location that has been given a land use permit or entitlement counts towards the total number of locations, even if it is not yet operable. If you are unsure about the status of a proposed location, inform Planning Department staff so that the location can be appropriately analyzed.

WHAT ARE STANDARDIZED FEATURES?

Formula Retail uses are identified by having certain standardized features in common throughout their locations. They are defined in Planning Code Section 303(i)(1). The below list is a summary:

- (A) Standardized array of merchandise: Half or more of the products in stock are branded alike.
- (B) Trademark: A word, phrase, symbol or design that identifies products as being offered by them and no others.
- (C) Servicemark: A word, phrase, symbol or design that identifies a service as being offered by them and no others.
- (D) Décor: The style of interior furnishings, (i.e. furniture, wall coverings or permanent fixtures).
- (E) Color Scheme: A selection of colors used throughout the decor and/or used on the facade.
- (F) Façade: The face or front of a building (including awnings) looking onto a street or an open space.
- (G) Uniform Apparel: Standardized items of clothing (i.e. aprons, pants, shirts, smocks, dresses, hats, and pins (other than name tags) including the colors of clothing.
- (H) Signage: A sign which directs attention to a business conducted on the premises. (§602.3).



AFFIDAVIT FOR FORMULA RETAIL ESTABLISHMENTS

1. Location and Classification

Project Address:

Block/Lot(s):

2. Proposed Use Description

Proposed Use (Use Category Per Article 7 or 8):

Proposed Business Name:

Description of Business, Including Products and/or Services:

Building Permit Application No. (if applicable):

Conditional Use Case No. (if applicable):

3. Quantity of Retail Locations

3.A	List the number of existing locations this business has worldwide. Please include any property for which a lease has been executed.	
3.B	List the number of existing locations in San Francisco.	

If the number entered on Line 3.A above is 11 or more, then the proposed use may be a Formula Retail Use. Continue to section 4 below.

If the number entered on Line 3.A above is 10 or fewer, no additional information is required. Proceed to section 5 on the next page and complete the Applicant's Affidavit.

4. Standardized Features

	FEATURES	YES	NO
A	Array of Merchandise		
B	Trademark		
C	Service mark		
D	Décor		
E	Color Scheme		
F	Façade		
G	Uniform Apparel		
H	Signage		
TOTAL			

Enter the total number of Yes/No answers above.

If the total YES responses is two (2) or more, then the proposed use is a Formula Retail Use.

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.

Signature

Name (Printed)

Date

Relationship to Project
(i.e. Owner, Architect, etc.)

Phone

Email

PLANNING DEPARTMENT USE ONLY

PLANNING CODE SECTION(S) APPLICABLE:

HOW IS THE PROPOSED USE REGULATED AT THIS LOCATION?

- Principally Permitted
- Principally Permitted, Neighborhood Notice Required (Section 311)
- Not Permitted
- Conditional Use Authorization Required (Please list Case Number below)

CASE NO.	MOTION NO.	EFFECTIVE DATE	NSR RECORDED?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

COMMENTS:

VERIFIED BY:

Signature: _____ Date: _____

Printed Name: _____ Phone: _____