



SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR Formula Retail Uses

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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 that should be read carefully before the affidavit form is completed.

Planning Department staff are available to advise you in the preparation of this affidavit. Call (415) 558-6377 for further information.

WHAT IS A FORMULA RETAIL USE?

A Formula Retail Use is a type of retail sales activity or retail sales establishment that has eleven or more other retail sales establishments worldwide. In addition to the eleven (11) establishments, a Formula Retail Use maintains two (2) 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 Use controls include the following 'Retail Sales Activities' or 'Retail Sales Establishments' 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)
- Limited-Restaurant (§790.90)
- Liquor Store (§790.55)
- Massage Establishment (§§790.60, 890.60)
- Movie Theater (§§790.64, 890.64)
- Restaurant (§790.91)
- Sales and Service, Nonretail (§§790.100, 890.100)
- Sales and Service, Other Retail (§§790.102, 890.102)
- Sales and Service, Retail (§§790.104, 890.104)
- Service, Financial (§§790.110, 890.110)
- Service, Fringe Financial (§§790.111, 890.113)
- Service, Limited Financial (§§790.112, 890.112)
- Service, Personal (§§790.116, 890.116)
- Take-out Food (§790.122)
- Tobacco Paraphernalia Establishment (§§790.123, 890.123)

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

IS A CONDITIONAL USE AUTHORIZATION OR NEIGHBORHOOD NOTIFICATION REQUIRED?

If a use does qualify as Formula Retail, 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 a Conditional Use Authorization and/or Neighborhood Notification is required.

HOW IS FORMULA RETAIL STATUS DETERMINED?

If the number of worldwide locations is eleven (11) or more and if the number of total standardized features of this business is two (2) or more, then the proposed use is a Formula Retail Use.

If the Planning Department determines that an application or permit is for a Formula Retail Use, the permit applicant 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.

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

Yes. A proposed location is counted in your total number of retail locations calculation even if it is not open for business yet. Any location that has been given a land use permit or entitlement counts. If you are unsure about the status of a proposed location, please let staff know so that all proposed locations are appropriately accounted for.

WHAT ARE STANDARDIZED FEATURES?

Formula Retail Uses are identified by having certain standardized features in common throughout their locations. They are officially defined in Planning Code Section 303.1. 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, pins (other than name tags) including the colors of clothing.
- (H) Signage: A sign that directs attention to a business conducted on the premises. (see P.C. Sec. 602.3)

AFFIDAVIT FOR Formula Retail Uses

1. Location and Classification

| | | |
|----------------------------|------------------|-----------------------|
| STREET ADDRESS OF PROJECT: | | |
| ASSESSORS BLOCK/LOT: / | ZONING DISTRICT: | HEIGHT/BULK DISTRICT: |

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) | PLANNING DEPARTMENT CASE NO.: (if applicable) |

3. Quantity of Retail Locations

| | | TOTAL |
|-----|---|-------|
| 3.a | How many retail locations of this business are there worldwide? Please include any property for which a land use permit or entitlement has been granted. | |
| 3.b | How many of the above total locations are 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

Will the proposed business use any of the following Standardized Features?

| | FEATURES | YES | NO |
|---|----------------------|--------------------------|--------------------------|
| A | Array of Merchandise | <input type="checkbox"/> | <input type="checkbox"/> |
| B | Trademark | <input type="checkbox"/> | <input type="checkbox"/> |
| C | Servicemark | <input type="checkbox"/> | <input type="checkbox"/> |
| D | Décor | <input type="checkbox"/> | <input type="checkbox"/> |
| E | Color Scheme | <input type="checkbox"/> | <input type="checkbox"/> |
| F | Façade | <input type="checkbox"/> | <input type="checkbox"/> |
| G | Uniform Apparel | <input type="checkbox"/> | <input type="checkbox"/> |
| H | Signage | <input type="checkbox"/> | <input type="checkbox"/> |
| | TOTAL | | |

Enter the total number of Yes/No answers above.

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

5. Applicant's Affidavit

| | | | |
|---|--------|---|---|
| NAME: | | <input type="checkbox"/> Property Owner | <input type="checkbox"/> Authorized Agent |
| MAILING ADDRESS: (STREET ADDRESS, CITY, STATE, ZIP) | | | |
| PHONE: | EMAIL: | | |
| () | | | |

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.

Applicant's Signature: _____ Date: _____

| PLANNING DEPARTMENT USE ONLY | |
|---|--------------|
| PLANNING CODE SECTION(S) APPLICABLE: | |
| HOW IS THE PROPOSED USE REGULATED AT THIS LOCATION? | |
| <input type="checkbox"/> Principally Permitted <input type="checkbox"/> Principally Permitted, Neighborhood Notice Required (Section 311/312) <input type="checkbox"/> Not Permitted <input type="checkbox"/> Conditional Use Authorization Required | |
| COMMENTS: | |
| VERIFIED BY: | |
| Signature: _____ | Date: _____ |
| Printed Name: _____ | Phone: _____ |



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FOR MORE INFORMATION: Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415 558-6409**
WEB: <http://www.sfplanning.org>

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1660 Mission Street, First Floor
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*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*