



# AFFIDAVIT FOR Formula Retail Establishments

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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 which 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 existing retail sales establishments located worldwide. In addition to the eleven (11) existing 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 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)
- Gym (§§790.116, 890.116)
- 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, Personal (§§790.116, 890.112)
- Service, Instructional
- Take-out Food (§§790.122)
- Tabacco Paraphernalia Establishment (§§790.123, 890.123)

This affidavit for Formular Retail must accompany any 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 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 or Neighborhood Notification is required.

## HOW IS FORMULA RETAIL STATUS DETERMINED?

If the existing 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. Any location that has been given a land use permit or entitlement counts toward the total number of locations worldwide, even if it is not yet open for business. If you are unsure about the status of a location, please let staff know so that all proposed locations can be appropriately analysed.

## 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(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, pins (other than name tags) including the colors of clothing.
- (H) Signage: A sign which directs attention to a business conducted on the premises. (see P.C. Sec. 602.3)

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## 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)	CONDITIONAL USE 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 utilize 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 is **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 (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: _____	



SAN FRANCISCO  
PLANNING  
DEPARTMENT

### 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  
San Francisco CA 94103-2479

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*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*