

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

T: 415.558.6378 F: 415.558.6409

AFFIDAVIT FOR

Formula Retail Establishments

Pursuant to Planning Code Section 303(i) and 703.3-4, certain retail uses must have additional review to determine if they qualify as a Formula Retail Establishment. 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 which has eleven or more other retail sales establishments located in the United States. In addition to the eleven establishments, 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 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)
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)
Take-out Food (§790.122)

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 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 a Conditional Use Authorization or Neighborhood Notification is required.

HOW IS FORMULA RETAIL STATUS DETERMINED?

If the number of national locations is 12 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.

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 <u>products</u> as being offered by them and no others.
- (C) Servicemark: A word, phrase, symbol or design that identifies a <u>service</u> 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)

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, so long as a lease has been executed, it counts. It may not even have any permits issued yet, but if a lease has been executed: it counts.

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1. Location and Classification

STREET ADDRESS OF PROJECT:			
ASSESSORS BLOCK/LOT:	ZONING DISTRICT:	Н	EIGHT/BULK DISTRICT:
/			
2. Proposed Use Description			
PROPOSED USE (USE CATEGORY PER ARTICLE 7 OR 8)	:		
PROPOSED BUSINESS NAME:			
DESCRIPTION OF BUSINESS, INCLUDING PRODUCTS A	ND/OR SERVICES:		
BUILDING PERMIT APPLICATION NO.: (if applicable)		CONDITIONAL USE CASE NO.: (if app	licable)
		.i	
3. Quantity of Retail Locations			
			TOTAL

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.*

How many retail locations of this business are within the United States?

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

3.a

3.b

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

Please include any property for which a lease has been executed.

How many of the above total locations are in San Francisco?

	FEATURES	YES	NO
Α	Array of Merchandise		
В	Trademark		
С	Servicemark		
D	Décor		
Е	Color Scheme		
F	Façade		
G	Uniform Apparel		
Н	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.

5. Applicant's Affidavit

NAME:								
MAILING ADDRESS: (STREET ADDRESS, CIT	Y, STATE, ZIP)		Property	Owner	☐ Au	thorized Agent		
	· ,							
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: _				
PL	ANNING DEP	ARTMEN	NT USE C	DNLY				
PLANNING CODE SECTION(S) APPLICABLE:								
HOW IS THE PROPOSED USE REGULATED A	AT THIS LOCATION?							
 Principally Permitted Principally Permitted, Neighborhood Notice Required (Section 311/312) Not Permitted Conditional Use Authorization Required (Please list Case Number below) 								
CASE NO. MO	OTION NO.	EFFECTIVE DATE	NSR F	RECORDED?				
				Yes 🗆	No			
COMMENTS								
COMMENTS:								
VERIFIED BY:								
Signature:			D	ate:				
Printed Name:				hone:				



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

Planning Information Center (PIC)

1660 Mission Street, First Floor San Francisco CA 94103-2479

TEL: 415.558.6377

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