

Pima County Clerk of the Board

Julie Castañeda

Melissa Manriquez
Deputy Clerk

Administration Division
130 W. Congress, 5th Floor
Tucson, AZ 85701
Phone: (520)724-8449 • Fax: (520)222-0448

Document and Micrographics Mgt. Division
1640 East Benson Highway
Tucson, Arizona 85714
Phone: (520) 351-8454 • Fax: (520) 791-6666

August 25, 2017

Nicholas Carl Guttilla
Safeway No. 2809 FC
c/o Gutilla Murphy Anderson
5415 E. High St., No. 200
Phoenix, AZ 85054

RE: Arizona Liquor License No.: 10103821
d.b.a. Safeway No. 2809 FC

Dear Mr. Guttilla:

Enclosed is a copy of the Affidavit of Posting relative to your Liquor License Application for a Series 10, Beer and Wine Store, which was received in our office on July 28, 2017. The Hearing before the Pima County Board of Supervisors has been scheduled for Tuesday, September 5, 2017, at 9:00 a.m. or thereafter, at the following location:

Pima County Administration Building
Board of Supervisors Hearing Room
130 W. Congress, 1st Floor
Tucson, AZ 85701

Should you have any questions pertaining to this matter, please contact this office at (520)724-8449.

Sincerely,


Julie Castañeda
Clerk of the Board

Enclosure



Arizona Department of Liquor Licenses and Control
 800 W Washington 5th Floor
 Phoenix, AZ 85007-2934
 www.azliquor.gov
 (602) 542-5141

AUG 25 17 AM 11:01 PCC CLK OF BD
 AB

AFFIDAVIT OF POSTING

Date of Posting: 8/3/17 Date of Posting Removal: 8/24/17

Applicant's Name: **Safeway No. 2809 FC**
Guttilla Nicholas Carl
Last First Middle

Business Address: 13360 E. Mary Ann Cleveland Way Vail 85641
Street City Zip

License #: 10103821

I hereby certify that pursuant to A.R.S. 4-201, I posted notice in a conspicuous place on the premises proposed to be licensed by the above applicant and said notice was posted for at least twenty (20) days.

FRANK R. HECHT 1775 PROCESS SERVER 520 310 4034
Print Name of City/County Official Title Phone Number
Puma Co STEPH
[Signature] 8/24/17
Signature Date Signed

Return this affidavit with your recommendations (i.e., Minutes of Meeting, Verbatim, etc.) or any other related documents. If you have any questions please call (602) 542-5141 and ask for the Licensing Division.



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TO: Development Services, Zoning Division
FROM: Ricci Romero *RR*
Administrative Support Specialist Senior
DATE: 7/28/2017
RE: Zoning Report - Application for Liquor License

Attached is the application of:

Nicholas Carl Guttilla
d.b.a. Safeway No. 2809 FC
13360 E. Mary Ann Cleveland Way
Vail, AZ 85641

Arizona Liquor License No. 10103821
Series 10, Beer and Wine Store
New License
Person Transfer
Location Transfer

ZONING REPORT

DATE: *8/4/17*

Will current zoning regulations permit the issuance of the license at this location?

Yes No

If No, please explain:

[Signature]

Pima County Zoning Inspector

When complete, please return to cob_mail@pima.gov

AUG 07 17AM 08:51 PC CLK OF BD *RC*



17-22-9298

17 JUL 27 Liq. Lic. PM 3:41

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

DLLC USE ONLY
License # 10103821
Date Accepted: 7/27/17
CSR: [Signature]

Application for Liquor License
Type or Print with Black Ink

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE
A service fee of \$25 will be charged for all dishonored checks (A.R.S. § 44-6852)

SECTION 1 Type of License

- Interim Permit
New License
Person Transfer
Location Transfer (series 6, 7 and 9)
Probate/ Will Assignment/ Divorce Decree (No Fees)
Seasonal

SECTION 2 Type of Ownership

- J.T.W.R.O.S.
Individual
Partnership
Corporation
Limited Liability Co
Club
Government
Trust
Tribe
Other (Explain)

SECTION 3 Type of license

- Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application)
Add Growler privileges (restaurant, series 12, license only. 300-foot restriction applies)

1.Type of License (restaurant, bar etc.): Series 10 2. LICENSE # (if issued): 10103821

SECTION 4 Applicants

1. Agent's Name: GUTTILLA NICHOLAS CARL
2. Applicant/Licensee Name: Safeway, Inc.
3. Business Name (Doing Business As-DBA): Safeway #2809 FC
4. Business Location Address: 13360 E Mary Ann Cleveland Way Vail AZ 85641 Pima
5. Mailing Address: c/o Guttilla Murphy Anderson 5415 E High St #200 Phoenix, AZ 85054
6. Business Phone: pending Daytime Contact Phone: (480) 304-8300
7. Email Address: psines@gamlaw.com
8. Is the Business located within the incorporated limits of the above city or town? No
If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? Pima County

Department Use Only
Fees: Application \$100, Interim Permit -, Site Inspection -, Finger Prints -, Total of All Fees \$100.00
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? Yes

JUL 28 17AM 09:26 PC CLK OF BID

SECTION 5 Background Check

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD ALONG WITH \$22. PROCESSING FEE PER CARD.
1. If the applicant is an entity, not an individual, answer questions 1a-b.

a) Date Incorporated/Organized: 7/23/86 State where Incorporated/Organized: Delaware

b) AZ Corporation or AZ L.L.C. File No: F00372050 Date authorized to do business in AZ 11/13/86

2. List any individual or entity that own a beneficial interest of 10 % or more and/or controls the license. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed to disclose any controlling person, member, shareholder or general partner who owns a beneficial interest of 10 % or more of the license.

Last	First	Middle	Title	%Owned	Mailing Address	City	State	Zip
See attached flow chart								

(Attach additional sheet if necessary)

SECTION 6 Interim Permit

If you intend to operate business while your application is pending you will need an interim permit pursuant to A.R.S.§4-203.01 For approval of an interim permit:

- There **must** be a valid license of the same series issued to the current location you are applying for **OR**
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S.§4-203.01 (A)

1. Enter license number currently at the location: _____

2. Is the license currently in use? Yes No If no, how long has it been out of use? _____

I, (Signature) _____ declare that I am the CURRENT OWNER, AGENT, OR CONTROLLING PERSON on the stated license and location.

Attach a copy of the license currently issued at this location to this application.

NOTARY

State of Arizona)
County of _____)

On this _____ Day of _____, 20____ before me personally appeared _____
Day Month Year (Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.

Signature of NOTARY PUBLIC

(Affix Seal Above)

SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license ARS § 4-204

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD ALONG WITH \$22. PROCESSING FEE PER CARD.

1. Current Licensee's Name: _____
(Exactly as it appears on the license) Last First Middle

2. Assignee's Name: _____
Last First Middle

License Number: _____

ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.

Safeway Inc.

AB Acquisition LLC (B)
(12/6/05 DE)

OFFICERS:
Robert Miller: Exec. Chairman
Robert Dimond: CFO
Robert Gordon: EVP/GC/Sec

"CLASS B MEMBERS" (Safeway ONLY)
Safeway Group Holdings Inc. (94.29% parent entity for AB Acquisition LLC "Class B" members only)
Robert Miller: Executive Chairman
Robert Gordon: EVP/Sec/GC
Robert Dimond: EVP/CFO

Cerberus Iceberg, LLC (39.22%) (Stephen Feinberg, Director reported on CP Affidavit)
Cerberus Partners, LP (52.46%)
GP: Cerberus Associates, L.L.C.
Cerberus Institutional Partners V, LP (31.73%)
GP: Cerberus Institutional Associates II L.L.C.
(No other member owns 10% or greater of licensee Safeway Inc.)

Jubilee ABS Holding, LLC (15.11%) (Jay Schottenstein, Director reported on CP Affidavit)
(No member owns 10% or greater of licensee Safeway Inc.)

Klaff Markets Holdings, LLC (15.11%) (Hersch Klaff, Director reported on CP Affidavit)
(No member owns 10% or greater of licensee Safeway Inc.)

Lubert-Adler SAN Aggregator, L.P. (15.11%) (Dean Adler, Director reported on CP Affidavit)
General Partner(s): Lubert-Adler Group SAN LLC
(No limited partner owns 10% or greater of licensee Safeway Inc.)

KRS AB Acquisition, LLC – 15.11% (David Henry, Director reported on CP Affidavit)
(No member owns 10% or greater of licensee Safeway Inc.)

(No other member owns 10% or greater of CLASS B interest in AB Acquisition LLC)

Albertsons Companies LLC (B)
(Delaware LLC)
(100% Member: AB Acquisition LLC (B))

OFFICERS:
Robert Miller –Chairman
Robert Gordon – EVP/Sec/GC
Robert Dimond: CFO/EVP
Robert Larson – SVP/CAO
Bradley Fox – VP/Treas/Asst Sec

Safeway Inc (LICENSEE)
Acc #f-0037205-0 (Delaware Corp)
(100% Shareholder: Albertsons Companies LLC (B))

OFFICERS:
Robert Miller – Chariman/CEO
Robert Gordon – EVP/SEC/GC
Bradley Fox – VP/Treas
Robert Dimond - EVP/CFO

SECTION 8 Government (for Cities, Towns or Counties only)

- 1. Government Entity: _____
- 2. Person/Designee: _____
Last
First
Middle
Daytime Contact Phone #

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

**SECTION 9 Person to Person – Current Licensee Information ARS§4-203(C), (D), (G)
(Bar and Liquor Stores only – Series 06, 07 and 09)**

- 1. License #: _____
- 2. Current Agent Name: _____
Last
First
Middle
- 3. Current Licensee Name: _____
(Exactly as it appears on the license)
- 4. Current Business Name: _____
(Exactly as it appears on the license)
- 5. Current Daytime Phone: _____ Primary Email Address: _____
- 6. Does current licensee intend to operate the business while this application is pending? Yes No
- 7. I authorize the transfer of this license to the applicant: _____
Signature or Agent or Individual controlling person

NOTARY

State of Arizona)
County of _____)

On this _____ Day of _____ Month, 20____ Year before me personally appeared _____
Day
Month
Year
(Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.

Signature of NOTARY PUBLIC

(Affix Seal Above)

SECTION 10 Proximity to Church or School - Questions to be completed by 6, 7, 9, 10 and 12G applicants.

A.R.S. §4-207. (A) and (B) state that no **retailer's license** shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building.

The above paragraph DOES NOT apply to:

- a) Restaurants that do not sell growlers (A.R.S. §4-205.02) Series 12
- b) Hotel/motel license (A.R.S. §4-205.01) Series 11
- c) Microbrewery (A.R.S. §4-205.08) Series 3
- d) Craft Distillery (A.R.S. §4-205.10) Series 18
- e) Government license (A.R.S. §4-205.03) Series 5
- f) Playing area of a golf course (A.R.S. §4-207 (B)(5))
- g) Wholesaler/Distributor Series 4
- h) Farm Winery Series 13
- i) Producer Series 1

1. Distance to nearest School: 470 feet Name of School: Old Vail Middle School
 (If less than one (1) mile note footage) Address: 13299 E Colossal Cave Rd - Vail, AZ 85641

2. Distance to nearest Church: 1,753 feet Name of Church: Saint Rita In the Desert Church
 (If less than one (1) mile note footage) Address: 13260 E Colossal Cave Rd - Vail, AZ 85641

SECTION 11 Business Financials A.R.S.§4-202(F)

1. I am the:

- Tenant: a person who holds the lease of a property; a lessee.
- Sub-tenant: a person who holds a lease which was given to another person (tenant) for all or part of a property.
- Owner
- Purchaser
- Management Company

2. If the premises is leased give lessors: Name: n/a
 Address: _____
Street City State Zip

3. What is the penalty if the lease is not fulfilled? \$ n/a or Other: _____

4. Total money borrowed for the Business not including lease? \$ 0

Please List Lenders/People you owe money to for business.

Last	First	Middle	Amount Owed	Mailing Address	City	State	Zip
n/a							

(Attach additional sheet if necessary)

5. Has a license or a transfer license for the premises on this application been denied by the state within the past year?
 Yes No If yes, attach explanation.
6. Does any spirituous liquor manufacture, wholesaler, or employee have an interest in your business?
 Yes No If yes, attach explanation.

SECTION 12 Diagram of Premises

Check ALL boxes that apply to your business:

- Walk-up or drive-through windows

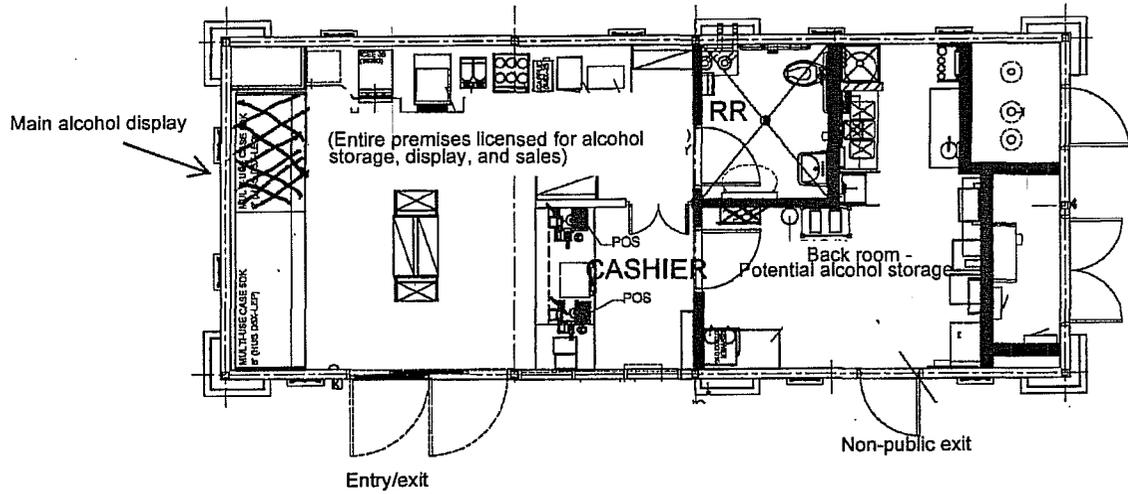
Patio: Contiguous Non-Contiguous within 30 feet

1. Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
 Yes No If yes, what is your estimated completion date? 02 / 01 / 2018

Please attach a diagram of the premises which clearly show only the areas where spirituous liquor will be sold, served, consumed, dispensed, possessed or stored. Include all entrances, exits, interior walls, bar areas, dining areas, dance floor, stage, game room and the kitchen. **DO NOT INCLUDE** parking lots, living quarters or areas where business is not conducted under this liquor license. When completing your premises diagram, please identify which orientation is North.

COMPARATIVE ANALYSIS			
SAFETY	REGULATORY	PERMITS	REVISIONS
SAFETY	REGULATORY	PERMITS	REVISIONS
SAFETY	REGULATORY	PERMITS	REVISIONS
SAFETY	REGULATORY	PERMITS	REVISIONS
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SAFETY	REGULATORY	PERMITS	REVISIONS
SAFETY	REGULATORY	PERMITS	REVISIONS
SAFETY	REGULATORY	PERMITS	REVISIONS

Safeway #2809 FC
 Approx 5,100 s.f.
 (Entire premises licensed for alcohol storage, display, and sales)



DESIGNER: A. REYNOLDS
 SCALE: 1/8" = 1'-0"

SAFWAY
 # 2809
 MERCADO DEL LAGO
 13380 E. MARY ANN CLEVELAND WAY, COLOSSAL CAVE
 WAIL, AZ

STORE
 02809
 SHEET TITLE
 FINAL
 FIXTURE
 PLAN
 SHEET NO.
 F1.1

2. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed areas such as parking lots, living quarters, etc.

3. As stated in A.R.S. §4-207.01 (B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to the service areas or the square footage of the licensed premises, either by increase or decrease.

[Handwritten Signature]
Applicants Initials

RESTAURANTS AND HOTELS/MOTELS ONLY

(IMPORTANT NOTE: A site inspection must be conducted prior to activation of the license. The fee of \$50.00 will be due and payable upon submitting this application.)

4a. Provide a detailed drawing of the kitchen and dining areas, including the locations of all kitchen equipment and dining furniture, these are required as part of the diagram. A.R.S. §4-205.02(C)

4b. Provide a restaurant operation plan.

SECTION 13 SIGNATURE BLOCK

I, (Signature) Nicholas Carl Guttilla *[Handwritten Signature]* hereby declare that I am the Owner/Agent filing this application, I have read this document and verify the content and all statements are true, correct and complete, to the best of my knowledge.

NOTARY

State of Arizona)
County of Maricopa)

On this 26 Day of July, 20 17 before me personally appeared Nicholas Carl Guttilla
Day Month Year (Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.



[Handwritten Signature]
Signature of NOTARY PUBLIC

A.R.S. §41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.