

# Council denies LA'AU's application

By Adrian Garcia

While Cosmo's Pizza, The Sink and The Hookah House, among other University Hill located businesses, provide service to customers late into the night, LA'AU's Taco Shop will continue to close at 10 and 11 p.m.

The Boulder City Council unanimously rejected the application from LA'AU's, located at the Southwest corner of Broadway Street and University Avenue, to extend daily operating hours to 2:30 a.m.

Councilman Ken Wilson motioned to decline the application despite the Boulder Planning Board's recommendation that the taco shop's request to stay open later be granted.

Wilson and the other seven council members present expressed concern about the restaurant's ability to keep negative impacts to the surrounding neighborhood minimal if it were permitted to stay open later.

"I do live up there and we have a lot of problems and a lot of crime," Wilson said. "I think we're past the tipping point up there."

"We have too many impacts already and we don't need more," the councilman said.

Several council members referenced the 2008 Thunderbird Burgers case. The Boulder City Council originally allowed the business to remain open later on the condition food, not alcohol, would be sold.

Councilman Macon Cowles told about his experience on the Planning Board for Thunderbird calling the decision a mistake. Cowles also expressed worry for making the same mistake with LA'AU's.

"The tools we have to address the challenges pledged by this application are limited," the councilman said. "They are limited by experience and they are limited by the law."

Thunderbird Burgers later successfully sued the council because alcohol regulations are handled at the state not city level.

The same attorney in the Thunderbird case, Richard Lopez, represented LA'AU's Wednesday night. Lopez attempted to distinguish the eatery as separate from the crime on University Hill and other businesses with alcohol licenses.

"To single this particular restaurant or any restaurant and say they are causing this [crime on University Hill] is inappropriate," Lopez said. "This is a taco shop this it is not a night club."

Eleven members of the community spoke in support of the application at the public hearing. Most of these individuals were young adults who reminded the council that LA'AU's



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LA'AU's Taco Shop at its Broadway Street and University Avenue location. The restaurant has two locations in Colorado.

does not have a bar environment.

Adrienne Abrams, a senior majoring in mathematics at CU-Boulder, expressed concern for her safety as she walks home from the Pearl Street Mall on weekends.

"Me and my friends feel more comfortable having a well-lit area," Abrams said. "I think it's important to mention LA'AU's as a restaurant not a bar. The drinks are cheaper elsewhere people don't go there to get drunk."

Resident opposition came from five older adults. These individuals generally referred to LA'AU's proposal to stay open later and ability to serve alcohol as the "tipping point".

Kurt Fuhrman a University Hill resident accused the taco shop of doing what Thunderbird did four years ago, a classic "bait and switch."

"Once they've got what they want, we can't stop them from being a bar," Fuhrman said.

Eleanor DePuy, a long-time resident of Boulder, also spoke in opposition to the application at the hearing Wednesday evening. DePuy was naturally happy about the final outcome.

"I was very much in favor of the decision," she said. "In the last 50 years it's always gone the other way."

After much of the council members expressed their opinion to decline LA'AU's application to remain open later Lopez offered on behalf of the business to stop alcohol sales at 12 a.m. and extend the hours to 3 a.m.

The council denied the impromptu offer and recommended LA'AU's Taco Shop submit a new application.

"It's difficult to be in business in Boulder," Lopez said after the council members' decision.