

Neighbors sue for cleanup of Beer Can Beach

By BUD O'BRIEN

Nearby homeowners are fed up with what they claim to be the destructive, obscene and unsanitary practices of the users of "Beer Can Beach" and they're asking the courts to force the county to do something about it.

"Beer Can Beach" — which received its name for obvious reasons — is in Aptos Seascape. It is owned by the Aptos Seascape Corp., but under the terms of the state Coastal Act must be made available for public use.

There have been complaints for a long time from the property owners in the area about the damage done to their property and sensibilities by the beachgoers, who are able to get access to the beach through a strip of land running from Via Palo Alto that is owned by the county. This strip of land was acquired as an easement specifically to provide public access to the beach.

The homeowners, banded together under the name of Seascape Bayview Homeowners Association, have now gone to court to get some relief from the problems they say they are afflicted on them. The association, represented by Santa Cruz lawyer William Buxbaum, has asked the court to impose a permanent injunction on both the county and Aptos Seascape which would, while not closing off public access to the beach, compel "each defendant to maintain their respective property in such manner and provide facilities and services therefore so as to abate the nuisance complained of."

Primary among the "nuisances" complained of in the lawsuit are:

✓ Public nudity.

✓ Public urination and defecation on private property, in the area and on the beach, which has no restroom facilities.

✓ Defecation and urination in the areas mentioned above by domestic pets brought to the neighborhood by the public.

✓ Loud and disturbing noise at all hours, including late at night and early morning; dangerous fires on the beach, which has no fire pits or other facilities for open fires.

✓ Congested traffic and parking conditions interfering with the homeowners' ability to drive to and from their homes.

✓ Trespassing by members of the public on private property in the area, resulting in destruction of landscaping, fencing and other private property, as well as street signs and other public property.

Aptos Seascape Corp.'s reaction to the suit was to file a cross-complaint asking the court, in case it finds any merit in the homeowners' suit, to find that none of it is Seascape's fault and to fix the responsibility on the county.

The county's reaction has been to try to arrive at an agreement with the homeowners that will prevent the necessity of having the court resolve the issue. The homeowners have agreed to hold the suit in abeyance while the negotiations are going on.

Deborah Hopkins, the assistant county counsel who is representing the county in the matter, said there have already been a couple of meetings with the homeowners in an effort to reach an accord. Hopkins made it clear that the county does not concede there is merit in the lawsuit, only that it would rather attain an amicable meeting of the minds than fight it out in court.

Basically, she said, the problem appears to be one of law enforcement at a time when the county's law enforcement resources are already spread thinly.

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