

City to Santa Monica FBOs: 'You Have 30 Days to Vacate'

Matt Thurber, AINonline | September 19, 2016



The city of Santa Monica is trying to curtail traffic at SMO by evicting the airport's two FBOs. Photo: Matt Thurber

On Thursday afternoon, the city of Santa Monica sent eviction notices to the airport's two FBOs—American Flyers and Atlantic Aviation—giving them 30 days to comply. The letters state: “Attached please find your notice to vacate. Please note you have 30 days to vacate the premises. Please coordinate your departure and pro-rated rent amount with the airport manager...” The notice to vacate was issued “pursuant to California civil code 1946,” according to documents provided to AIN by the city.

At an August 23 city council meeting, the city outlined its new FBO policy, which included a plan to serve a “notice to vacate” to both FBOs by September 15 and replace the services provided by the FBOs with city-run operations. Like almost every other aviation tenant at SMO, Atlantic has been operating without a lease since it expired on July 1, 2015.

The city has already managed to get the airport's largest flight school, Justice Aviation, to close on May 11, as part of a settlement of lawsuits between the city and the company. The city ended up paying Justice Aviation \$450,000 for agreeing to cease operating on May 11, and in turn Justice agreed to withdraw its lawsuits against the city. All of the aircraft leased to Justice Aviation, however, are now flying at other Santa Monica flight schools.

Atlantic Aviation bought two Supermarine FBOs— the Santa Monica facility and a sister FBO at Stewart International Airport in Newburgh, N.Y.—in 2007 for \$85 million. American Flyers, which operates one of its flight training academy locations at Santa Monica Airport (SMO), also sells 100LL avgas from a self-serve pump and fuel truck. The city claims that safety and environmental issues are the reasons for closing the airport, and in its lease negotiations with Atlantic Aviation, the city attempted to require the FBO to sell only biofuel-based jet fuel, which is currently not possible. The city also wants to eliminate lead-based 100LL avgas sales at the airport, and while unleaded aviation gas is now available at some airports for lower-powered

piston aircraft, there is currently no substitute for the 100LL required by high-compression piston engines.

Airport users are marshaling forces to combat the city's latest move, including the Santa Monica Airport Association, which is asking members to donate funds to help pay for the effort.

Airport tenants have the right to challenge the city's eviction notices in state court, NBAA pointed out. The FAA also has the power to issue a cease-and-desist order because SMO is bound by federal grant assurances that require the city to keep the airport open until at least July 2023. While this is a rarely exercised move, the FAA issued a cease-and-desist order in 2008 when the city attempted to ban class C and D jets from operating at SMO. The dispute ended up in court, and the FAA prevailed.

"The city is pushing this further than before, and we hope the FAA will step up to the plate to make them step back," said Alex Gertsen, NBAA director of airports and ground infrastructure. "Santa Monica is a critical airport to our members and the national air transportation system,¹ and we're doing everything we can to work with the FAA and to pursue the legal avenues that we have, to ensure that the airport remains viable and continues to be operational. These are precedent-setting issues, and we see this not as a local Santa Monica issue, but as a national issue of great importance."

AOPA is also asking the FAA to step in: "AOPA has fought for many years alongside tenants and other advocates to preserve the airport. After learning of the most recent eviction notices, AOPA reached out to FAA compliance officials to alert them to the developments, and urged them to move swiftly to counter the city's latest move against airport tenants."

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(Highlights, footnotes and minor edits may have been added, but only to add clarification)

¹ aiR footnote: this statement is absurd. If KSMO did not exist, or was shut down entirely, it would have no impact on the National Airspace System. If jets were no longer allowed at this airport, the ATC system around KLAX would see an improvement in overall efficiency, because the KSMO-KLAX conflicts would be eliminated.