

RESOLUTION NO. 2025-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE RESCINDING THE APPROVAL OF THE MITIGATED NEGATIVE DECLARATION (IS 2022-06) AND ALL RELATED PROJECT APPROVALS FOR THE 18TH AVENUE EXTENSION AND HOTEL PROJECT IN COMPLIANCE WITH THE PEREMPTORY WRIT OF MANDATE ISSUED BY THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF LAKE

WHEREAS, the Project site is located at 6356 Armijo Avenue, Clearlake, California, identified as Assessor's Parcel Number 042-121-25; and

WHEREAS, on December 13, 2022, the Planning Commission of the City of Clearlake adopted Resolution PC 2022-26 approving Conditional Use Permit CUP 2022-02, Design Review DR 2022-02, and a Mitigated Negative Declaration based on Initial Study IS 2022-06 for the development and operation of a 75-bedroom hotel with meeting hall/event center and the extension of 18th Avenue (SCH No. 2022100562) ("Project"); and

WHEREAS, the Koi Nation of Northern California filed a Petition for Writ of Mandate challenging the City's approval of the Project (Lake County Superior Court Case No. CV 423786); and

WHEREAS, the Lake County Superior Court rejected the Koi Nation's Petition for Writ of Mandate on December 22, 2023; and

WHEREAS, the Koi Nation filed an appeal of the Lake County Court's action on February 16, 2024; and

WHEREAS, the Court of Appeals reversed the order and judgment of Lake County Superior Court and issuing an order remanding the order to the Lake County Superior Court; and

WHEREAS, on September 4, 2025, the Superior Court of the State of California, County of Lake, issued a Peremptory Writ of Mandate ordering the City of Clearlake to:

1. Set aside its adoption of the Mitigated Negative Declaration prepared in connection with the 18th Avenue Extension and Hotel Project and all related Project approvals;
2. To the extent the City goes forward with the Project, comply with CEQA's requirements, including the requirements for formal notification to those California Native American tribes affiliated with the area that have requested notification and consultation with tribes that request consultation in response to notification; and any consultation must be meaningful and conducted in a way that is mutually respectful of each party's sovereignty and should be documented in sufficient detail to permit both informed public participation and informed decision making, as further described by the First District Court of Appeal;
3. File a return to the writ no later than sixty (60) days after service of the writ; and

WHEREAS, the Court retained jurisdiction pursuant to Public Resources Code section 21168.9, subdivision (b), including over the return to the writ and to issue any orders necessary to ensure compliance with the Writ and the Judgment; and

WHEREAS, the City must comply with the Peremptory Writ of Mandate within the time specified by the Court; and

WHEREAS, rescission of the Project approvals is necessary to comply with the Court's order and applicable law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clearlake as follows:

Section 1. Findings.

The City Council finds and determines that:

- A. All the recitals set forth above are true and correct and are incorporated herein by reference.
- B. Compliance with the Peremptory Writ of Mandate is mandatory and required by law.
- C. This Resolution is exempt from CEQA pursuant to CEQA Guidelines Section 15270(a) as it involves the rejection and disapproval of a project.

Section 2. Rescission of Project Approvals.

In compliance with the Peremptory Writ of Mandate issued on September 4, 2025, in Case No. CV 423786, the City Council hereby:

- A. Rescinds and sets aside the adoption of the Mitigated Negative Declaration (IS 2022-06) for the 18th Avenue Extension and Hotel Project (SCH No. 2022100562);
- B. Rescinds and sets aside all related Project approvals, including but not limited to:
 - 1. Conditional Use Permit CUP 2022-02
 - 2. Design Review DR 2022-02
 - 3. Planning Commission Resolution PC 2022-26
 - 4. All associated permits, approvals, and entitlements related to the Project
- C. Directs that the Project approvals are null and void and of no further force or effect.

Section 3. Direction to Staff.

The City Council directs staff to:

- A. File a return to the Writ with the Superior Court within sixty (60) days of service of the Writ, confirming the City's compliance with the Court's order;

B. Provide notice of this rescission to the Project applicant, MLI Associates, Inc., and all other interested parties;

C. Update all City records to reflect the rescission of the Project approvals;

D. Cease any City activities related to implementation of the rescinded Project approvals;

E. If the applicant wishes to pursue the Project in the future, ensure that any resubmittal complies fully with CEQA requirements, including but not limited to the tribal consultation requirements specified in the Court's order.

Section 4. Reservation of Rights.

Nothing in this Resolution shall be construed as:

A. A determination on the merits of the Project itself;

B. A prohibition on the applicant's ability to resubmit the Project application;

C. A waiver of the City's right to process and consider the Project anew if resubmitted.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

Section 6. Effective Date.

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Clearlake, California, held on October 2, 2025, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

Russell Cremer, Mayor

ATTEST:

Melissa Swanson, City Clerk

APPROVED AS TO FORM:

Scott Drexel, City Attorney