

Matthew D. Francois
Partner, San Francisco, California

Land Use Law
Land Use Litigation
Environmental Law
Hydraulic Fracturing



Matthew D. Francois

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Current Scope of Practice

Matthew Francois, a partner with the firm's Land Use Group, focuses his practice on all aspects of land use and environmental law. He represents both public agencies and private land owners and developers in the land use administrative approval process and frequently advises on compliance with the California Environmental Quality Act (CEQA). Mr. Francois also specializes in litigating land use and CEQA matters.

Representative Experience

Permitting and Entitlements

- Represented large nationwide home improvement store on numerous projects to build new stores or expand existing venues.
- Worked with national storage company in obtaining land use approvals for various mini-storage facilities.
- Obtained land use approvals on behalf of national beverage company for controversial project in Northern California.
- Assisted national shipping company in obtaining land use approvals for new shipping and distribution center.
- Advised developers of distressed shopping center on land use due diligence matters.
- Advised agencies, religious institutions and property owners on effect of federal Religious Land Use and Institutionalized Persons Act (RLUIPA) on land use approval process

CEQA & NEPA Compliance

- Advised developer of historic resort located in Northern California wine country on land use and CEQA matters.
- Advised town on CEQA compliance for proposed demolition of historic residence owned by prominent Silicon Valley entrepreneur.
- Advised environmental consultants on compliance with CEQA and the National Environmental Policy Act (NEPA) for projects requiring approval from the California Public Utilities Commission, including a proposed desalination plant in Monterey County and steam generator replacement projects for the Diablo Canyon Nuclear Power Plant and the San Onofre Nuclear Generating Station.
- Represented city in preparing EIR and development agreement for major hospital and medical office building project.
- Assisted school district in preparing legally defensible environmental impact report for controversial elementary school project.
- Advised proponent of largest landfill in southern California on compliance with NEPA.
- Advised city on CEQA compliance for several major projects, including a mixed-use development, an office project, expansion of a biopharmaceutical campus and a senior housing development.

Land Use Litigation

- Represented residential developer in obtaining local and coastal permits, including through several lawsuits and global settlement of Coastal Act, wetlands, subdivision, traffic and inverse condemnation issues.
- Advised developer of major shopping center on the land use entitlement process, including compliance with CEQA and defense and subsequent settlement of CEQA lawsuit.
- Defended in court the validity of lots shown on a 1907 map pre-dating the current Subdivision Map Act.
- Defended lawsuit challenging agricultural processing facility in Monterey County on CEQA and Williamson Act grounds.
- Defended in court a challenge to the adequacy of an environmental document for a city's proposal to convert athletic fields from natural grass to synthetic turf.
- Challenged a water district's approval of an emergency water declaration on grounds of failure to comply with CEQA.

- Assisted neighborhood organization in challenging stadium light proposal for failure to comply with CEQA, including successfully obtaining preliminary injunction against use of lights.
- Represented park district in multi-action CEQA litigation challenging city's treatment of impacts to district's park and recreational facilities.
- Drafted amicus briefs and letters requesting publication and California Supreme Court review of cases directly related to State residential and commercial development industries.

Reported Decisions

- *Concerned McCloud Citizens v. McCloud Community Services District*, 147 Cal.App.4th 181 (2007)
- *Ailanto Properties, Inc. v. City of Half Moon Bay*, 142 Cal.App.4th 572 (2006)
- *Friends of Sierra Madre v. City of Sierra Madre*, 25 Cal.4th 165 (2001)

Affiliations, Activities and Accomplishments

Mr. Francois is admitted to practice in California.

Mr. Francois is a member of the Planning Commission for the City of Walnut Creek (having served as Chair of the Commission in 2010). He is also an active member of the Urban Land Institute and the San Francisco Planning & Urban Research Association.

Presentations and Publications

Mr. Francois is a frequent speaker and lecturer on various matters pertaining to land use and development law. He has spoken at the annual conference of the California Chapter of the American Planning Association, CLE International's NEPA conference, the Select Conference on Industry Litigation (hosted by the California Building Industry Association) and the Environmental Law Conference at Yosemite. He has also participated in several land use panels for Lorman Education Services and the National Business Institute. Additionally, Mr. Francois has published numerous articles concerning land use law topics, including:

- "An Update on Climate Change Regulations and How the California Model May be Replicated Elsewhere," chapter in *The Legal Impact of Climate Change*, published by Aspatore Books, April 2012.
- "No Fracking Way: Upholding Drilling Bans in New York," *Law 360*, March 2012.
- "Making CEQA Work," *The Registry*, November/December 2011.
- "Environmental Impact Statement and Regulations Related to Hydraulic Fracking Released for Public Review," Sedgwick's *Hydraulic Fracturing Digest*, November 2011.
- "Reforming CEQA to Encourage Infill Development," *California Real Property Journal*, September 2011.

- “Greenhouse Gas Emissions Heat Up Environmental Review,” Sedgwick’s *Dirt Report*, August 2011.
- “Hydraulic Fracturing in the Marcellus Shale – Strategies for Legal and Regulatory Compliance,” chapter in *Navigating Legal Issues around the Marcellus Shale* published by Aspatore Books, June 2011.
- “Summary of Proposed Redevelopment Legislation,” Sedgwick’s *Dirt Report*, May 2011.
- “Know Your Projects’ Carbon Footprint,” *The Recorder*, September 2010.
- “Recent Developments in the Environmental Review of Climate Change Impacts,” Sedgwick’s *Real Estate Newsletter*, August 2010.
- “Remedies Limited for Rejected Land-Use Projects,” *The Daily Journal*, December 2009.
- “Breathing Life into Old Maps: The Validity of Pre-1929 Subdivision Maps in a Post Gardner World,” *California Real Property Journal*, Vol. 24, No. 4, 2006.
- “The Emergence of Smart Growth,” *Environmental Law News*, Winter 2001.
- “Failing to Turn Square Corners: The California Supreme Court’s Application of Federal Takings Law,” *California Land Use Law & Policy Reporter*, April 2000.
- “Cart Before the Horse: Water Report that Precedes General Plan Violates Statutes,” *The Daily Journal*, January 2000.
- “Quality Code: New CEQA Guidelines Clarify Ambiguities.” *The Daily Journal*, January 1999.
- “What Every CEQA Practitioner Needs to Know,” *California Land Use Law & Policy Reporter*, December 1998.
- “The People Speak: Selected Municipal Land Use Propositions and Initiatives in California,” *California Land Use Law & Policy Reporter*, December 1996.
- Case alert, *Harris v. City of Costa Mesa*, C.E.B.’s *Land Use & Environment Forum*, Fall 1994.

Education

Mr. Francois earned his J.D. from the University of San Francisco School of Law (1995). He received his B.A. in American History with honors from the University of California at Berkeley (1991).