



MATT FRANCOISE

Partner

Land Use and Entitlement

San Francisco

(650) 798-5669

mfrancois@rutan.com

Matt Francoise focuses his practice on all aspects of land use and environmental law. He represents property owners, developers and public agencies in the land use administrative approval process, advising on compliance with the California Environmental Quality Act (CEQA), and litigating land use and CEQA matters. Matt has been recognized as a Super Lawyer in the area of Land Use & Zoning. Matt was elected to the Walnut Creek City Council in 2018 and was reelected in 2022. He served as the Mayor in 2022.

Representative Matters/Cases

Permitting and Entitlements

- Assist developers of industrial and warehouse projects in securing entitlements from local and state agencies
- Advise property owners and developers on state housing laws: Density Bonus Law, Housing Accountability Act, SB 330, SB 35, etc.
- Advise major homebuilders on entitlement strategy and process
- Advise commercial developers and real estate investment trusts on planning and zoning matters
- Advise major grocery store chain on obtaining entitlements for new and expanded stores as well as associated gas station developments
- Advise office developers on entitlements and CEQA compliance matters
- Represent nationwide home improvement store on numerous projects to build new stores or expand existing venues
- Work with national storage company in obtaining land use approvals for various personal facilities
- Obtain land use approvals for national beverage company
- Assist national shipping company in obtaining land use approvals for new shipping and distribution center
- Advise developers of distressed shopping center on land use due diligence matters
- Advise agencies, religious institutions and property owners on compliance with the federal Religious Land Use and Institutionalized Persons Act (RLUIPA)

Related Services

- Land Use and Entitlement
- Government and Regulatory
- Environmental
- Government Relations and Political
- Land Use and Natural Resources
- Municipal Law General and Special

Related Industries

- Public Entities and Municipalities
- Environmental and Natural Resources

Bar & Court Admissions

- State Bar of California
- California State Courts

Education

- University of California,

CEQA & NEPA Compliance

- Advise federally recognized tribe on CEQA and National Environmental Policy Act (NEPA) compliance in connection with proposed gaming development project
- Advise environmental consultants on compliance with CEQA and 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
- Represent city in preparing EIR and development agreement for major hospital and medical office building project
- Assist school district in preparing environmental impact report for proposed elementary school project
- Advise developer of historic resort located in Northern California wine country on land use and CEQA matters
- Advise town on CEQA compliance for proposed demolition of historic residence owned by prominent Silicon Valley entrepreneur
- Advise proponent of largest landfill in southern California on compliance with NEPA
- Advise 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

- Defend commercial and residential developments in Monterey County against CEQA and General Plan consistency claims
- Defend subdivisions in San Mateo County against CEQA and general plan consistency claims
- Defend developer of lab space in Berkeley against CEQA and zoning consistency claims
- Represent 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
- Advise developer of major shopping center on the land use entitlement process, including compliance with CEQA and defense and subsequent settlement of CEQA lawsuit
- Defend in court the validity of lots shown on a 1907 subdivision map
- Defend lawsuit challenging agricultural processing facility on CEQA and Williamson Act grounds
- Defend 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
- Challenge a water district's approval of an emergency water declaration on grounds of failure to comply with CEQA
- Represent park district in multi-action CEQA litigation challenging city's treatment of impacts to district's park and recreational facilities
- Draft amicus briefs and letters requesting publication and California Supreme Court review of cases directly related to State residential and commercial development industries

Berkeley (B.A., 1991) Dean's List, College of Letters & Science

- University of San Francisco School of Law (J.D., 1995)
- American Jurisprudence Award in Evidence
- Law Clerk, Governor's Office of Planning & Research
- Judicial Extern, Alameda County Superior Court (Hon. James R. Lambden)

Presentations

Mr. Francois is a frequent speaker on various matters pertaining to land use and development law. He spoke 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 Continuing Education of the Bar, Lorman Education Services, and the National Business Institute.

Publications

- Co-editor, Rutan & Tuckers Land Use and Natural Resources Case Law Update, 2015-Present
- "CEQA Reform, In Like a Lion, Out Like a Lamb," The Dirt Report, January 2014
- "Lowering the floor for Density Bonus Requirements," The Dirt Report, August 2013
- "CEQA Half Yearly," The Dirt Report, June 2013
- "Myriad possibilities when it comes to CEQA reform," The Daily Journal, April 2013
- "CEQA Reform: Striking While the Iron is Hot," The Dirt Report, March 2013
- "Reforming CEQA to Avoid Duplicative Environmental Review," California Real Property Law Journal, Summer 2012
- "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
- "Making CEQA Work," The Registry, November/December 2011
- "Reforming CEQA to Encourage Infill Development," California Real Property Journal, September 2011
- "Greenhouse Gas Emissions Heat Up Environmental Review," The Dirt Report, August 2011
- "Summary of Proposed Redevelopment Legislation," The 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
- "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

Awards & Honors

- Super Lawyers, Northern California, Land Use/Zoning: 2022-Present
- Best Lawyers in America (2025)



Memberships & Associations

- Walnut Creek City Council (2018 - Present)
- Walnut Creek Planning Commission (2007 - 2018)
- California Building Industry Association, Government Affairs Committee

Copyright © 2024 Rutan & Tucker