MILLER STARR REGALIA



Matthew Henderson

Shareholder

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Matt is a land use attorney and litigator who also serves in the Appellate Practice Group. He regularly represents clients in a host of real property matters, including obtaining project approvals and handling related lawsuits. He serves on the Board of Representatives for the California Lawyers Association and regularly contributes to professional publications as well as speaking on a variety of topics relating to land use and CEQA.

Matt Henderson is a shareholder in Miller Starr Regalia's Walnut Creek office and chair of the firm's Land Use Department. His practice encompasses all stages of land use and real property cases, from initial entitlement and environmental review to subsequent litigation and appellate work. He has experience in a variety of land use entitlement and litigation matters involving the California Environmental Quality Act (CEQA), general and specific plan updates, zoning, subdivisions, use permits, and the formation of community facilities districts.

Matt represents clients in development and litigation related to mixed use, residential, and retail projects, lending, mortgage and title issues. He also excels in cases involving escrow liability, construction disputes and mechanics' liens, and municipal building and development projects. Matt also serves in Miller Starr Regalia's Appellate Practice Group and has experience in representing both parties and amicus curiae in significant appeals throughout the state.

Practice Areas

- Appellate Advocacy
- Land Use - Entitlement
- Land Use & CEQA
- Land Use - Litigation

Education

J.D., University of California, Los Angeles School of Law (2003)

M.A., University of Chicago, Humanities (2000)

B.A., Pomona College, English (1995)

Representative Matters

Aptos Village Project: Matt represented a developer of a mixed-use project in Santa Cruz County subject to a variety of legal challenges under the Subdivision Map Act and CEQA. Matt obtained a complete victory for his client, and the project is currently under development.

Shadelands Project: Twenty-five acre, mixed-use development in Walnut Creek, California involving multiple entitlement and land use approvals including, adoption of specific plan, general plan amendment, rezoning, tentative map approval, and CEQA review.

California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369 (co-authored amici curiae brief on behalf of League of California Cities and three counties)

Appel v. Superior Court. Matt served as counsel for amicus curiae California Land Title Association in a proceeding for a petition for a writ of mandamus before the Second District Court of Appeal involving the appropriate measurement of recovery under a mechanic's lien.

Lee v. Fidelity National Title Insurance Company. Complete judgment in favor of client following three-week trial in Solano County Superior Court and affirmation on appeal to the First District Court of Appeal.

Press & Media

"Calif. Court Nixes Citizen's Group Housing Project Challenge," *Law360*, By Isaac Monterose, December 2, 2022

Associations

Bay Area Council

California Land Use Law & Policy Reporter - Contributing Editor (2012–2017)

California Lawyers Association - Member, Board of Representatives (2018-present)

Contra Costa County Bar Association, Real Estate and Appellate Sections

State Bar of California, Real Property Law Section

- Executive Committee (2014–2017)
- Litigation Subsection Co-Chair, (October 2009–August 2014)

Awards & Recognition

Super Lawyers Northern California (2012–2013)

Publications

"The California Supreme Court - Reforming CEQA from the Bench?" *California Real Property Journal*, Vol. 35, No. 2, 2017 (co-authored with Art Coon, Tom Henry, and Andrew Sabey)

"The Top Ten Real Property Cases of 2015," *California Real Property Journal*, Vol. 34, No. 1, 2016 (co-authored with Basil "Bill" Shiber)

"Paper or Plastic? A Question for California's Courts," *Miller & Starr, California Real Estate Newsalert,* Vol. 24, No. 2, November 2013

Chapter 34, “Judicial Remedies,” *Miller & Starr, California Real Estate 4th*, 2015 (author)

E-Bulletin columnist, *California Bar Real Property Section*, December 2010–Present

“A Matter of Discretion? The Court of Appeal Construes the Map Act’s Lot Line Adjustment Exclusion to Authorize a Ministerial Local Agency Approval Process and to Allow Sequential Adjustments of Lots,” *California Land Use Law & Policy Reporter*, Vol. 21, No. 11, September 2012 (co-authored with Arthur Coon)

“Anti-SLAPP Statute in the Real Estate Litigation Mix,” *California Real Estate Journal*, October 6, 2008

“Court’s Holding on Economic Loss Rule is Troubling, Problematic,” *San Francisco Daily Journal*, March 31, 2005

“Encroachers Beware: The Sun Is Setting on the Wild West Doctrine of Adverse Possession,” *California Land Use Law & Policy Reporter*, Vol. 13, No. 11, August 2004 (co-authored with Christian Carrigan)

“Punitive Damages: Unpredictable Courts Can’t Agree,” *San Francisco Daily Journal*, July 1, 2004

Speeches & Presentations

“The California Environmental Quality Act Turns 50: Where Have We Been, Where Are We Heading? What’s On The Horizon For CEQA?” Argent Communications Group California Land Use Law & Policy Conference, Virtual, November 20, 2020 (Co-Panelist)

“BPC Expert Briefing: CEQA Update 2019,” Bay Planning Coalition, Oakland, November 18, 2019 (Co-Panelist)

“Transportation and CEQA: Implementation of the transition from Level of Service (LOS) to Vehicle Miles Traveled (VMT) for assessing traffic impacts,” Law Seminars International, Los Angeles, November 2, 2016

“The Orchards Preview Tour,” Urban Land Institute, September 8, 2016 (Discussion Panelist)

“The California Supreme Court: Reforming CEQA from the Bench,” The State Bar of California’s 35th Annual Real Property Law Section Retreat, May 21, 2016 (moderator)

“CEB, Real Property Law Practice,” CEB 36th Annual Recent Developments, San Francisco, January 29, 2016

“CEB, Real Property Law Practice,” CEB 36th Annual Recent Developments, Sacramento, January 22, 2016

“CEQA Guidelines Update and SB 743—It’s Not Just About Vehicle Miles Traveled,” Argent Communications Group’s California Land Use Law & Policy Conference, March 9, 2015 (co-presenter)

“CEB, Real Property Law Practice,” CEB 35th Annual Recent Developments, Sacramento, January 1, 2015

“CEB, Real Property Law Practice,” CEB 34th Annual Recent Developments, Sacramento, January 10, 2014

“CEB, Real Property Law Practice,” CEB 33rd Annual Recent Developments, Sacramento, January 11, 2013

“Real Property Title and Legal Descriptions,” California Land Surveyors Association, Santa Clara/San Mateo Chapter, January 18, 2012

“Real Property Title and Legal Descriptions,” International Right of Way Association, Bay Area Chapter 2, September 14, 2011

“Real Property Title and Legal Descriptions,” California Land Surveyors Association, East Bay Chapter, January 12, 2011

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