

# **12 Summary of California Law (10th), Real Property**

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2. [§800] Royalty and Other Compensation.
3. [§801] Implied Covenants.

**D. Termination of Lease.**

1. [§802] Abandonment.
2. [§803] Surrender.
3. [§804] Expiration.
4. [§805] Forfeiture.

**E. Transfer of Interest in Lease.**

1. [§806] Lessee's Interest.
2. [§807] Lessor's Interest.

**XIII. ENVIRONMENTAL REGULATION OF REAL PROPERTY**

**A. Land Use Planning and Regulation.**

1. [§808] In General.
2. Subdivisions.
  - (a) [§809] Nature and Scope of Subdivision Map Act.
  - (b) [§810] Exclusions.
  - (c) Map Procedure.
    - (1) [§811] Tentative Maps.
    - (2) [§812] Final Maps.
    - (3) [§813] Alternative Maps.
    - (4) [§814] Recording.
    - (5) [§815] Statute of Limitations for Judicial Review.
  - (d) [§816] Public Access to Water Resources.
  - (e) Local Restrictions.
    - (1) [§817] In General.
    - (2) [§818] Imposition of Development Fees.
    - (3) [§819] Dedication of Open Space.
  - (f) Regulation of Sales and Leases.
    - (1) [§820] By Real Estate Commissioner.

- (2) [§821] By Federal Statute.
  - (g) [§822] Enforcement of Subdivision Requirements.
- 3. **Housing and Urban Development.**
  - (a) [§823] In General.
  - (b) [§824] Public and Low-Rent Housing.
  - (c) [§825] "Granny Flat" Statute.
  - (d) [§826] Uniform Building Codes.
  - (e) Community Redevelopment Law.
    - (1) [§827] In General.
    - (2) [§828] Determining Blight.
    - (3) [§829] Other Redevelopment Issues.
- 4. [§830] National Environmental Policy Act.
- 5. **California Environmental Quality Act (CEQA).**
  - (a) [§831] In General.
  - (b) Environmental Impact Reporting Requirement.
    - (1) Public Projects.
      - (aa) [§832] Statutory Requirement.
      - (bb) [§833] Illustrations.
    - (2) Private Projects.
      - (aa) [§834] Statutory Requirement.
      - (bb) [§835] Illustrations.
    - (3) [§836] Statutory Exemptions.
    - (4) [§837] Categorical Exemptions.
    - (5) [§838] Commonsense Exemptions.
    - (6) [§839] Ballot Measure Exemptions.
  - (c) Content of Environmental Impact Reports.
    - (1) [§840] Detailed Statement.
    - (2) [§841] Significant Environmental Effects.
    - (3) [§842] Mitigation Measures.
    - (4) [§843] Cumulative Impact.
    - (5) [§844] Alternatives to Project.
  - (d) Alternative and Supplemental Reports.
    - (1) [§845] Negative Declarations.
    - (2) [§846] Mitigated Negative Declarations.
    - (3) [§847] Master Environmental Impact Reports.
    - (4) [§848] Tiered Reports.
    - (5) [§849] Subsequent Reports.
    - (6) [§850] Regulatory Procedure in Lieu of Report.
  - (e) Administrative Proceedings.
    - (1) [§851] Lead Agency.
    - (2) [§852] Preparation of Report by Consultant.
    - (3) [§853] Time Limits on Preparation of Reports.
    - (4) [§854] Project Approval After Environmental Impact Report.
  - (f) Judicial Review.
    - (1) [§855] Exhaustion of Administrative Remedies.
    - (2) [§856] Statutes of Limitations.

- (3) [§857] Preparation of Record.
- (4) [§858] Expedited Proceedings.
- (5) [§859] Standards of Review.
- (6) [§860] Types of Relief.

**6. Coastal Lands.**

- (a) [§861] Development of California Coastal Act.
- (b) [§862] Implementation of Act by Coastal Commission and Local Governments.
- (c) Development Permits.
  - (1) [§863] In General.
  - (2) [§864] Applicability to Federal Lands.
  - (3) [§865] Development Requirements.
  - (4) [§866] Commission's Appellate Review.
- (d) [§867] Enforcement of Coastal Act.
- (e) [§868] Judicial Review of Actions Under Coastal Act.
- (f) [§869] California Coastal Conservancy.

**7. Permit Streamlining Act.**

- (a) [§870] Time Limits for Agency Action.
- (b) [§871] Deemed Approval.
- (c) [§872] Waiver of Time Limits.

**8. [§873] Regional Plans.**

**B. Resource Conservation and Management.**

**1. [§874] In General.**

**2. [§875] Recycling.**

**3. Water Resources.**

- (a) [§876] In General.
- (b) [§877] Recycling and Irrigation.
- (c) [§878] Groundwater.
- (d) [§879] Ocean Resources.

**4. Land Resources.**

- (a) [§880] Agricultural Land.
- (b) [§881] Open Space.
- (c) [§882] Parks and Recreation Areas.
- (d) [§883] Wilderness Areas.
- (e) [§884] Forests.

**5. Animals and Wildlife.**

- (a) [§885] Endangered Species Acts.
- (b) [§886] Wildlife Conservation.
- (c) [§887] Fish and Marine Mammals.

**6. Minerals and Energy.**

- (a) [§888] Mining, Oil, and Gas.
- (b) [§889] Energy Resources.
- (c) [§890] Solar Power.

**C. Pollution Control.**

**1. [§891] In General.**

**2. Water Quality.**

- (a) [§892] In General.
- (b) [§893] Porter-Cologne Water Quality Control Act.
- (c) [§894] Proposition 65.
- (d) [§895] Other California Statutes.
- (e) [§896] Federal Clean Water Act.
- 3. Air Quality.
  - (a) [§897] Federal Clean Air Act.
  - (b) California Statutes.
    - (1) [§898] In General.
    - (2) Nonvehicular Sources of Air Pollution.
      - (aa) [§899] In General.
      - (bb) [§900] Specified Pollutants.
    - (3) [§901] Vehicular Sources of Air Pollution.
    - (4) [§902] Tobacco Smoke.
- 4. Hazardous Waste.
  - (a) [§903] Federal Statutes.
  - (b) Hazardous Waste Control Act.
    - (1) [§904] Statutory Framework.
    - (2) [§905] Enforcement.
  - (c) [§906] Hazardous Substances Account Act.
  - (d) [§907] Other California Statutes.
- 5. Solid Waste.
  - (a) [§908] Integrated Waste Management.
  - (b) [§909] Exclusive Franchises for Solid Waste Services.
- 6. [§910] Nuclear Power and Radiation.
- 7. [§911] Pesticides and Other Toxic Chemicals.
- 8. [§912] Noise.
- 9. Enforcement.
  - (a) [§913] Governmental Actions.
  - (b) [§914] Private Actions.

#### **XIV. WATERS**

- A. Systems and Classifications of Water Rights.
  - 1. [§915] Riparian and Appropriation Systems.
  - 2. [§916] Classification of Waters.
- B. Nature of Rights to Water.
  - 1. [§917] No Ownership of Water in Watercourse.
  - 2. Public Rights.
    - (a) [§918] In General.
    - (b) [§919] Navigable Waters.
    - (c) [§920] Public Trust Doctrine.
  - 3. [§921] State Rights in Interstate Waters.
  - 4. Federal Rights.
    - (a) [§922] Navigable Waters.
    - (b) [§923] Nonnavigable Waters.
    - (c) [§924] Federal Irrigation Projects.
- C. Administration of Water Rights.

1. [§925] In General.
2. [§926] Proceedings To Determine Water Rights.
3. [§927] Enforcement of Water Rights.
4. Transfer of Water Rights.
  - (a) [§928] In General.
  - (b) [§929] Temporary Change in Diversion or Use.
  - (c) [§930] Long-Term Transfers.

**D. Rights in Surface Waters.**

1. Riparian Rights.
  - (a) [§931] In General.
  - (b) Riparian Land.
    - (1) [§932] Characteristics.
    - (2) [§933] Federal Desert Land Act.
    - (3) [§934] Federal Riparian Rights on Reserved Lands.
  - (c) [§935] Riparian Uses and Rights Against Other Owners.
  - (d) Extent of Riparian Right.
    - (1) [§936] Former Law.
    - (2) [§937] Constitutional Amendment of 1928.
    - (3) Reasonable Use.
      - (aa) [§938] Wasteful Use Eliminated.
      - (bb) [§939] Preference for Domestic Use.
      - (cc) [§940] Other Uses.
    - (4) [§941] Future Reasonable Use.
2. Appropriation Rights.
  - (a) Method of Appropriation.
    - (1) [§942] Obtaining Permit and License.
    - (2) [§943] Conditions for Permit or License.
    - (3) [§944] Registration of Small Use Domestic Appropriations.
    - (4) [§945] Review of Board's Determination.
  - (b) [§946] Rights Against Other Users.
  - (c) [§947] Water Subject to Appropriation.
  - (d) [§948] Extent of Appropriation Right.
3. Prescriptive Rights.
  - (a) [§949] Nature of Prescriptive Right.
  - (b) Extent of Prescriptive Right.
    - (1) [§950] Definite Amount Beneficially Used.
    - (2) [§951] Improper Change of Use.
  - (c) [§952] Prescription Running Downstream.
  - (d) [§953] Prescription Running Upstream.
4. [§954] Termination of Rights.
5. [§955] Ownership of Treated Wastewater.

**E. Underground Waters.**

1. [§956] In General.
2. [§957] State's Ownership of Groundwater.
3. [§958] Overlying, Appropriative, and Prescriptive Rights.
4. Correlative Rights Doctrine.

- (a) [§959] Development of Doctrine.
- (b) [§960] Illustrations.
- (c) [§961] Riparian System Distinguished.

**F. Injuries to Property Caused by Waters.**

**1. Surface Waters.**

- (a) Obstruction by Private Owner.
  - (1) [§962] Former Law.
  - (2) [§963] Tort Liability.
- (b) [§964] Obstruction by Governmental Agency.
- (c) [§965] Discharge of Surface Waters into Natural Watercourse.

**2. Floodwaters.**

- (a) [§966] Right of Owner To Divert.
- (b) [§967] Recovery Based on Negligence.

**3. Diversion or Obstruction of Watercourse.**

- (a) [§968] In General.
- (b) [§969] Constitutional Liability for Construction.
- (c) [§970] Tort Liability for Negligent Maintenance.
- (d) [§971] Change in Permanent Artificial Condition.

**4. [§972] Seawall or Breakwater.**