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April 28, 2022

**VIA EMAIL**

Carmel Residents  
[REDACTED]

Re: Carmel Unified School District: Response to California Public Records Act Request

Dear Carmel Residents:

On behalf of our client, Carmel Unified School District ("District"), this letter serves as the District's response to your recent request for records under the California Public Records Act ("CPRA").

In accordance with California Government Code section 6253.1, the District understands your April 18, 2022 request as follows:

- CPRA Request Category 1: Please provide Carmel Unified School District's standard to determine school capacity at Carmel High School, Carmel Middle School and Carmel River School. How might this be different than the State Education Code standard? Please provide a current breakdown of each school - what is the current students to capacity ratio as of 2022.
- CPRA Request Category 2: In addition, please provide and CUSD inputs into local CEQA projects including but limited to Rancho Cañada Village Subdivision since the first Draft EIR. The window would be from 2016 to current April 2022.

To the extent that the District correctly understands the scope of your request, the District must extend the time to respond to your request by fourteen (14) days, with the effect being that the District will promptly notify you of its determination relative to your request not later than May 12, 2022. (See Gov. Code, §6253(c) [generally requiring notification of a "determination" or "whether the request ... seeks copies of disclosable public records," but also allowing an agency to extend this response date by 14 additional days].) The circumstances warranting this extension include the need to search for, collect, and appropriately examine a voluminous amount of

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separate and distinct records that are demanded in your request. (Gov. Code, §6253(c).)

"Public Records" are defined under the CPRA as any writing "containing information relating to the conduct of the public's business" that are prepared, owned, used, or retained by any state or local agency, including the District. (Gov. Code, §6252.) Please be advised that only those public records that meet the definitions set forth in the CPRA, and which are not otherwise exempt from disclosure will be produced. (Gov. Code, §§6252-6255.)

In general, the following records, among others, are exempt from disclosure: (1) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business (Gov. Code, §6254(a)); (2) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to the official information privilege, as well as trade secrets or other confidential or proprietary information (Gov. Code, §6254(k); Evid. Code, §§1040 & 1060); (3) Records exempt from disclosure under the deliberative process privilege, work product or attorney-client privilege, or the public interest exemption (Gov. Code, §§6254.25 & 6255; Evid. Code, §950, *et seq.*; *Citizens for Open Gov. v. City of Lodi* (2012) 205 Cal.App.4th 296, 305; *City of San Jose v. Superior Court* (1999) 74 Cal.App.4th 1008, 1019); (4) Records pertaining to pending litigation or claims (Gov. Code, §§6254(b) & 6254.25); (5) The contents of real estate appraisals or engineering or feasibility estimates and evaluations relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained; and (6) Any other public records exempt from disclosure under Government Code section 6254, *et seq.*, or other applicable law. Furthermore, the CPRA only requires production of records which exist at the time of the request, and the District is not required to create records in order to respond to requests. (Govt. Code, §§6252 & 6253; *Haynie v. Sup. Ct.* (2001) 26 Cal.4th 1061). To the extent your request seeks any of the foregoing, such records are exempt from disclosure, and the District is unable to produce such exempt and non-disclosable records, except as otherwise set forth above.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

DANNIS WOLIVER KELLEY



Jessika K. Johnson

CJK/jm

cc: Jessica Hull, Director of Communications and Community Relations (Carmel Unified School District)  
Tricia Zarevich (Carmel Unified School District)