



January 22, 2026

Mr. Mike Van Dinther
Fusion Education Group
72 Monroe Center Street NW b
Grand Rapids, MI 49503

Sent Via Email:
mvandinther@fusionacademy.com

Subject: Approval of Administrative Use Permit 00957795-PAUP for Fusion Academy, at 17875 Von Karman Avenue, Suite 200, in Planning Area 36 (Irvine Business Complex)

Dear Mr. Van Dinther:

Community Development Department staff reviewed Administrative Use Permit 00957795-PAUP for Fusion Academy, a commercial school operating in Suite 200, a 7,437-square-foot tenant space within an existing multi-tenant office building in the Intersect office complex. The office complex is located at the northwest corner of Von Karman Avenue and Main Street and is addressed as 17875 Von Karman Avenue. The subject property is located within Planning Area 36 (Irvine Business Complex [IBC]) and is zoned 5.1 IBC Multi-Use.

On December 17, 1986, the Director of Community Development approved Zoning Compliance 86-ZD-0124 allowing the development of the Intersect office complex, then referred to as "Irvine Plaza." The original approval allowed for the development of five multi-story office buildings. The original development has since been modified several times.

Fusion Academy is an educational facility providing instruction to middle school and high school-aged students (grades six through 12). The Academy focuses on one-to-one instruction with one student and one teacher per tutoring room, and occasional group sessions. This would be the second location for Fusion Academy within the City of Irvine; the first location at 18881 Von Karman Avenue was approved February 26, 2025 via Conditional Use Permit 00830587-PCPM.

The applicant proposes to establish a commercial school within an existing 7,437-square-foot, second-floor office suite (Enclosure 1). The project will convert the existing office suite into tutoring spaces, administrative offices, and library/reading rooms. The proposed hours of operation will be Monday to Friday from 7:30 a.m. to 8 p.m., and on limited weekends by appointment only. Fusion Academy will have a maximum of 30 staff members (26 teachers and four administrators) at any given time. The number of students will vary over the course of the day, as provided in the proposed operational

schedule (Enclosure 3), up to a maximum of 65 students on-site at any given time. All students will be in grades six through 12. The project does not propose modifications to the existing site plan, parking supply, or landscaping at the Intersect office complex.

Section 1-2-1 of the Irvine Zoning Ordinance defines “school, commercial” as “a business establishment where instruction is given, in exchange for payment of a fee. Examples of subjects taught include, but are not limited to, dance, computer skills, music, and martial arts.” Based on the business description provided in the applicant’s letter of justification, the proposed academy is classified as a commercial school, which is conditionally permitted in the 5.1 IBC Multi-Use zone with the approval of an administrative use permit.

Parking

Section 4-3-4 of the Irvine Zoning Ordinance identifies the parking requirements for a “school, commercial” as “one space per instructor and employee, plus one space per three students.”

The subject tenant space shares parking with the other buildings and uses within the Intersect office complex. The operation of Fusion Academy will include a maximum of 30 instructors/staff and 65 students at any one time; thereby requiring 52 parking spaces based on the parking requirements for a commercial school. With the inclusion of Fusion Academy, the Intersect office complex requires 2,156 parking spaces. The existing development provides 2,311 parking spaces, resulting in a surplus of 155 parking spaces. Therefore, the site provides sufficient parking to accommodate the proposed use. Additionally, a condition of approval (Condition 6.19) has been added to this project requiring that Fusion Academy adhere to the proposed operational schedule, including instructors/students and staff, which would minimize on-site parking demands.

Development Intensity Values

The City limits the size and intensity of uses within the IBC to minimize potential traffic impacts. Each property has a Development Intensity Value (DIV) Budget that is tracked through the “IBC Database.” Suite 200, at the subject property (IBC Project #692), has a DIV budget of 10 AM, 10 PM, and 102 average daily trips (ADT).

Each permitted and conditionally permitted land use in the 5.1 IBC Multi-Use zone is assigned a “General Land Use Category (GLU)” that corresponds to an IBC DIV generation rate. The GLU category for a commercial school is “undefined.” Through the administrative use permit process, staff determined that Fusion Academy’s operations are consistent with the suite’s office DIV allocation. This determination is based on the applicant’s proposed operational schedule (Enclosure 3), which ensures that the

operations do not exceed the DIV budget during the AM and PM peak periods defined in the City's traffic study guidelines (7 – 8:30 a.m. and 4:45 – 6:15 p.m.).

Based on the project's operational schedule, the project would generate 10 AM, 10 PM, and 306 ADT. The proposed peak hour trips are within the allowable peak hour trip budget. Based on the proposed operational schedule, the business operation will exceed the suite's daily allocation of 102 ADT by 204 ADT. However, per Chapter 9-36 of the Zoning Ordinance, a project may exceed the ADT DIV budget. Therefore, the project is consistent with the DIV allocation for 17875 Von Karman Avenue, Suite 200.

Findings

Based on the submittal, the Director of Community Development makes the following findings, pursuant to Section 2-33-7 of the Irvine Zoning Ordinance, and hereby approves Administrative Use Permit 00957795-PAUP.

- A. The administrative use will comply with all the applicable development standards of the Zoning Ordinance and the purpose of the zoning district in which the site is located.

The subject property is located within the 5.1 IBC Multi-Use zone, where commercial schools are permitted subject to the approval of an administrative use permit. The existing suite contains approximately 7,437 square feet of floor area.

Based on the applicant's proposal, Fusion Academy's operation will include a maximum of 65 students and 30 instructors/staff requiring 52 parking spaces. With the inclusion of Fusion Academy, the Intersect office complex requires a total of 2,156 parking spaces, resulting in a surplus of 155 parking spaces. Therefore, there is sufficient parking to accommodate the proposed use. Additionally, Condition 6.19 requires Fusion Academy to adhere to the operational schedule provided which will further ensure parking demand is not impacted in the future.

The project does not propose any exterior modifications to the building or project site. All improvements would be limited to the interior of Suite 200. As such, the project complies with all applicable site development standards, including but not limited to parking, building height, floor area, setbacks, and landscaping.

Furthermore, the project meets the intent of the 5.1 IBC Multi-Use zone where a wide variety of uses are allowed and where specific instructional uses, particularly those proposed to serve the needs of the residential and employee populations of the zoning district are especially encouraged. The proposed commercial school will serve the needs of the residential and employee populations. Therefore, the proposed use is consistent with the intent of the zoning district and complies with all applicable provisions of the Irvine Zoning Ordinance.

B. Adequate traffic circulation, off-street parking, and pedestrian safety will be maintained during the operation of the administrative use.

The subject tenant space is located within the Intersect office complex, which was designed and constructed with a comprehensive circulation system that includes multiple points of vehicular ingress and egress, internal drive aisles, and pedestrian pathways connecting parking areas to the office buildings. This circulation network, established under the original site approval (File No. 86-ZD-0124), as modified, was determined to be adequate to support the onsite uses. The proposed commercial school will occupy an existing 7,437-square-foot suite and does not involve changes to the existing site layout, building footprint, or circulation pattern.

As stated in Finding A, there is a surplus of parking onsite after the inclusion of the required parking for Fusion Academy. Fusion Academy employs a tutoring model that allows for staggered schedules for students and instructors/employees, as indicated in the operational schedule, which ensures vehicle arrivals and departures remain at a manageable volume. Condition 6.19 has been added to the project to restrict occupancy to no more than 65 students and 30 instructors/employees, which minimizes potential parking impacts. In addition, the project does not propose changes to the existing walkways, crosswalks, and on-site lighting, ensuring pedestrian safety remains consistent with the original zoning designation. Therefore, the proposed commercial school will not adversely impact the existing circulation patterns within the commercial center and will have no effect on the off-street parking nor negatively impact pedestrian safety.

C. The administrative use will not impair the character and integrity of the zoning district and surrounding area.

The Intersect office complex contains approximately 536,000 square feet of office and medical office uses, 35,000 square feet of private school uses, 3,800 square feet of restaurant uses, and 1,300 square feet of accessory retail uses. Surrounding land uses include office, residential, warehouse and manufacturing.

The proposed use includes the operation of a commercial school offering a teaching model consistent with a tutoring facility to support middle and high school students in the 5.1 IBC Multi-Use zone. The use is minor in scale, operates indoors, and will not result in any exterior modifications. The instructional nature of the business is compatible with surrounding office uses. Therefore, the proposed use will not impair the character or integrity of the zoning district or surrounding area.

D. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

The 5.1 IBC Multi-Use zone is intended as an area that accommodates a variety of complementary residential, office, retail, and service uses within a mixed-use environment. The proposed commercial school is a use that is permitted in this zoning district upon approval of an administrative use permit. The proposed commercial school offers a tutoring model with one-to-one instruction for middle and high school students. The proposed use expands the range of services available to residents, employees, and families of the IBC and the broader community. The use also aligns with the community's interest in cultural enrichment and personal development. Additionally, the project contributes to the local economy by creating employment opportunities and supporting local businesses. Therefore, the proposed commercial school use is in harmony with City policies, and the intent and purpose of the 5.1 IBC Multi-Use zone.

E. The administrative use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The proposed commercial school will contribute to the overall vibrancy of the Intersect office complex by providing a valuable educational service while also creating new employment opportunities for the residents of Irvine and the surrounding area. The use is also compatible with surrounding businesses, which include office, medical office, and service uses. The commercial school's operations, which are limited to Monday through Friday between the hours of 7:30 a.m. to 8 p.m. with specified numbers of students and instructors/employees as outlined in the operational schedule, and on limited weekends by appointment only, ensures a low impact on the area.

Adequate parking is available within the shared supply of the Intersect office complex. Further, the project does not involve any changes to the existing building footprint, square footage, landscaping, driveways, or circulation system. Therefore, the proposed commercial school use will not negatively impact adjacent tenants, the surrounding area, or other uses within the Intersect office complex.

This approval is subject to the following conditions of approval:

Standard Condition 6.1

DISCRETIONARY CASE CHARGES

The applicant is responsible for paying all charges related to the processing of this discretionary case application within 30 days of the issuance of the final invoice or prior to the issuance of building permits for this project, whichever occurs first. Failure to pay all charges shall result in delays in the issuance of required permits or may result in the revocation of the approval of this application.

Standard Condition 6.2

LEGAL ACTION - HOLD HARMLESS

In accordance with the provisions of Section 5-5-114 of the Irvine Municipal Code and Government Code Section 66474.9, the applicant shall defend, indemnify, and hold harmless the City of Irvine and its agents, officers, and employees from and against any claim, action, or proceeding against the City agency or its agents, officers, or employees to attack, set aside, void, or annul an approval by the City, including, without limitation, an action by an advisory agency, appeal board, or legislative body concerning this discretionary approval. This defense and indemnification shall include the payment of all legal costs incurred on behalf of the City in connection with the application, and the defense of any claim, action or proceeding challenging the approval. The City will promptly notify the applicant of any claim, action, or proceeding and will cooperate fully in the defense.

In the event a legal challenge to the discretionary approval is successful, and an award of attorney fees is made to the challenger, the applicant shall be responsible to pay the full amount of such an award.

Standard Condition 6.15 (as modified)

SITE PARKING ISSUES

If the Director of Community Development (“Director”) determines that parking issues that can be directly attributed to Fusion Academy are negatively affecting the project site or adjacent properties, the property owner or the applicant may be required to submit a plan prepared by a licensed third-party traffic engineer to the Director that identifies specific measures to resolve these issues. The draft plan shall be submitted within 30 days of notification by the City and shall be reviewed and approved, or comments will be provided by the Director. The property owner or the applicant shall be required, at its sole expense, to implement any modifications required by the plan within 30 days of written notice from the Director to implement such measures, or in such timeframe as directed by the Director.

Condition 6.19

OPERATIONAL RESTRICTIONS

Fusion Academy shall operate in accordance with the following provisions:

- A. Hours of operation shall be limited to Monday – Friday, 7:30 a.m. to 8 p.m., and Saturday and Sunday, 7:30 a.m. to 8 p.m. by appointment only.
- B. The project shall operate according to the operational schedule approved by City staff to ensure that the use operates within its designated Development Intensity Value (DIV) allocation (10 AM peak period [7 – 8:30 a.m.], 10 PM peak period [4:45 – 6:15 p.m.], and 306 daily DIVs).
- C. Occupancy within the suite shall not exceed 30 staff members and 65 students at any one time, with a maximum on-site occupancy of 95 persons.

Condition 6.20

BUILDING OCCUPANCY

The applicant shall ensure the building is not used or occupied, in whole or in part, without a valid Certificate of Occupancy (CofO), as required by Section 111 of the California Building Code.

Condition 6.21

BUSINESS LICENSE

The applicant shall obtain an approved City of Irvine business license before initiating any business operations in accordance with the Irvine Municipal Code.

The submitted letter of justification, floor plan, operational schedule, and parking summary are integral components of this approval. This approval is contingent upon the applicant obtaining a valid business license and securing all applicable permits prior to commencing business operations, including, but not limited to, building, electrical, and any other permits required by the City of Irvine. Any modification to the approved floor plan, or any change to the operational characteristics of the business that creates an inconsistency with the information provided in this correspondence, results in an intensification of use, or introduces new impacts not previously evaluated, shall render this administrative use permit approval null and void and shall require resubmittal for further review and approval.

Condition 6.22

PROHIBITION OF GROUP CLASSES DURING PEAK HOURS

Based on the applicant's provided schedule, Fusion Academy shall primarily operate at a ratio of one student per teacher/tutor. Group sessions or group classes are prohibited during the a.m. and p.m. peak traffic hours. Any change in activity or change to the school and tutoring schedules provided shall warrant further analysis and may require the submittal of an application requesting modification to this conditional use permit pursuant to Section 2-19, *Modifications*, of the Irvine Zoning Ordinance.

Condition 6.23

NON-TRANSFERABILITY AND EXPIRATION

Approval of this administrative use permit is specific to the business operation and operator described in the application materials reviewed and approved by the City. This administrative use permit does not run with the land and is not transferable to a different operator, owner, or business entity. Pursuant to Chapter 2-33, *Administrative Use Permit*, and Chapter 2-10, *Enforcement and Revocation Procedures*, of the Irvine Zoning Ordinance, this administrative use permit shall automatically expire upon closure or cessation of the approved business operations at the subject site. Any subsequent operator proposing to conduct a similar use at the subject location shall be required to apply for and obtain a new administrative use permit, subject to independent review and approval in accordance with the procedures set forth in Chapter 2-33, *Administrative Use Permit*, of the Irvine Zoning Ordinance.

Mr. Mike Van Dinther
January 22, 2026
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Condition 6.24

COMPLIANCE WITH PRIOR APPROVALS

All applicable conditions of approval associated with original Zoning Designation 86-ZD-0124 issued for the Intersect office complex, as well as any subsequent modifications, shall remain in full force and effect.

Unless an appeal is filed prior to the expiration of the five-business-day appeal period ending at 5 p.m. Thursday, January 29, 2026, the approval granted by this letter shall become effective Friday, January 30, 2026.

Please note that any permits cannot be issued until all fees associated with this application are paid in full. Should you have any questions regarding this approval, please contact Associate Planner Michael O'Toole at 949-724-6102 or via email motoole@cityofirvine.org.

Sincerely,

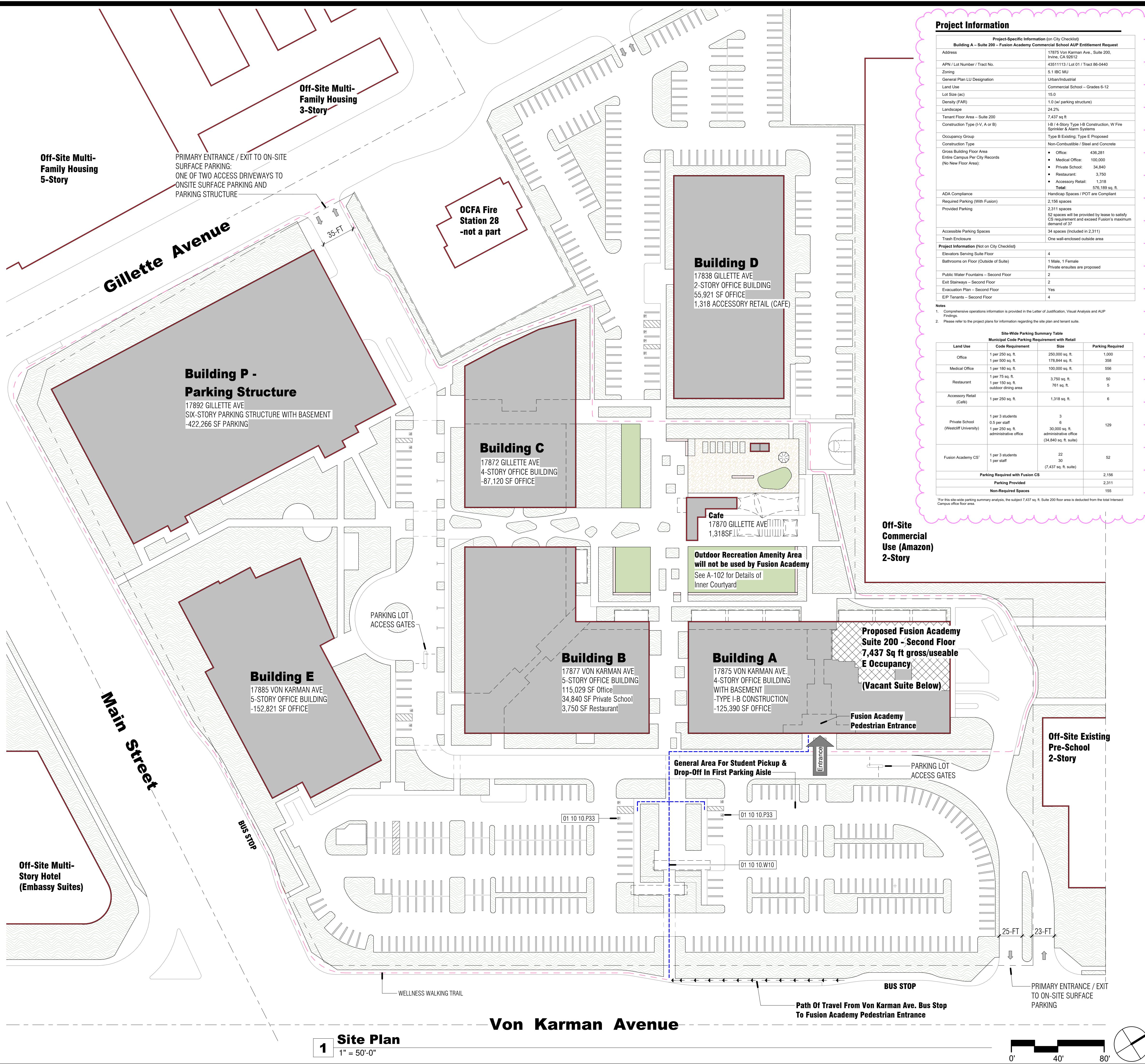


Stephanie Frady, AICP
Director of Community Development

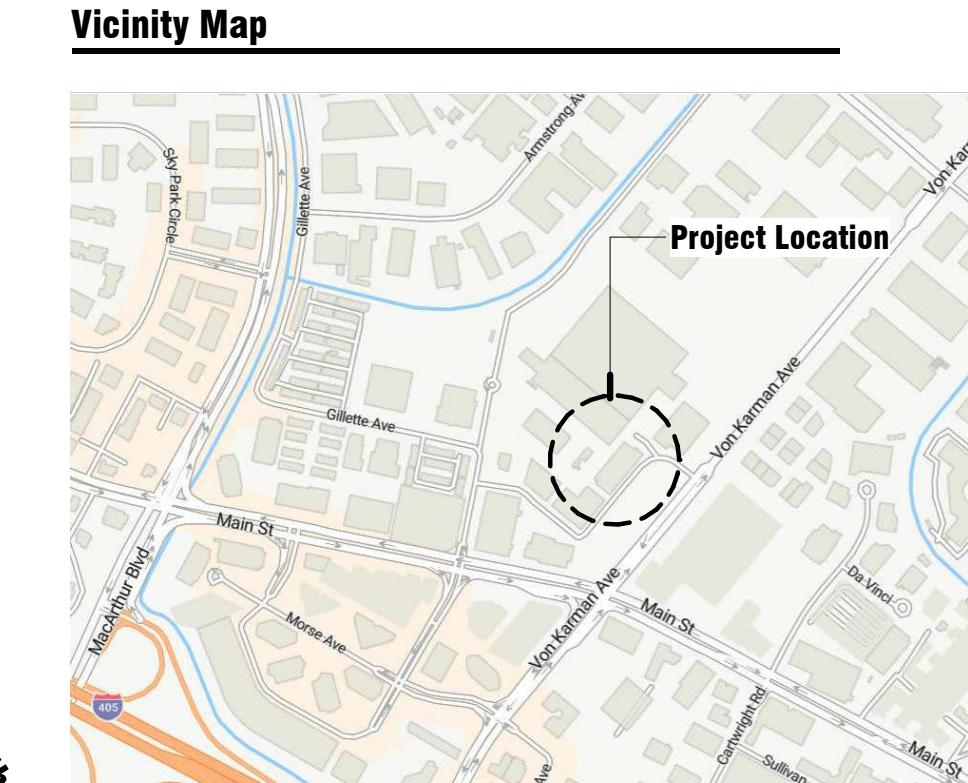
Enclosures:

1. Project Plans
2. Project Letter of Justification
3. Operational Schedule
4. Notice of Exemption

cc: Ann Wuu, Acting Planning Manager
Nick Melloni, Principal Planner
File: 00957795-PAUP



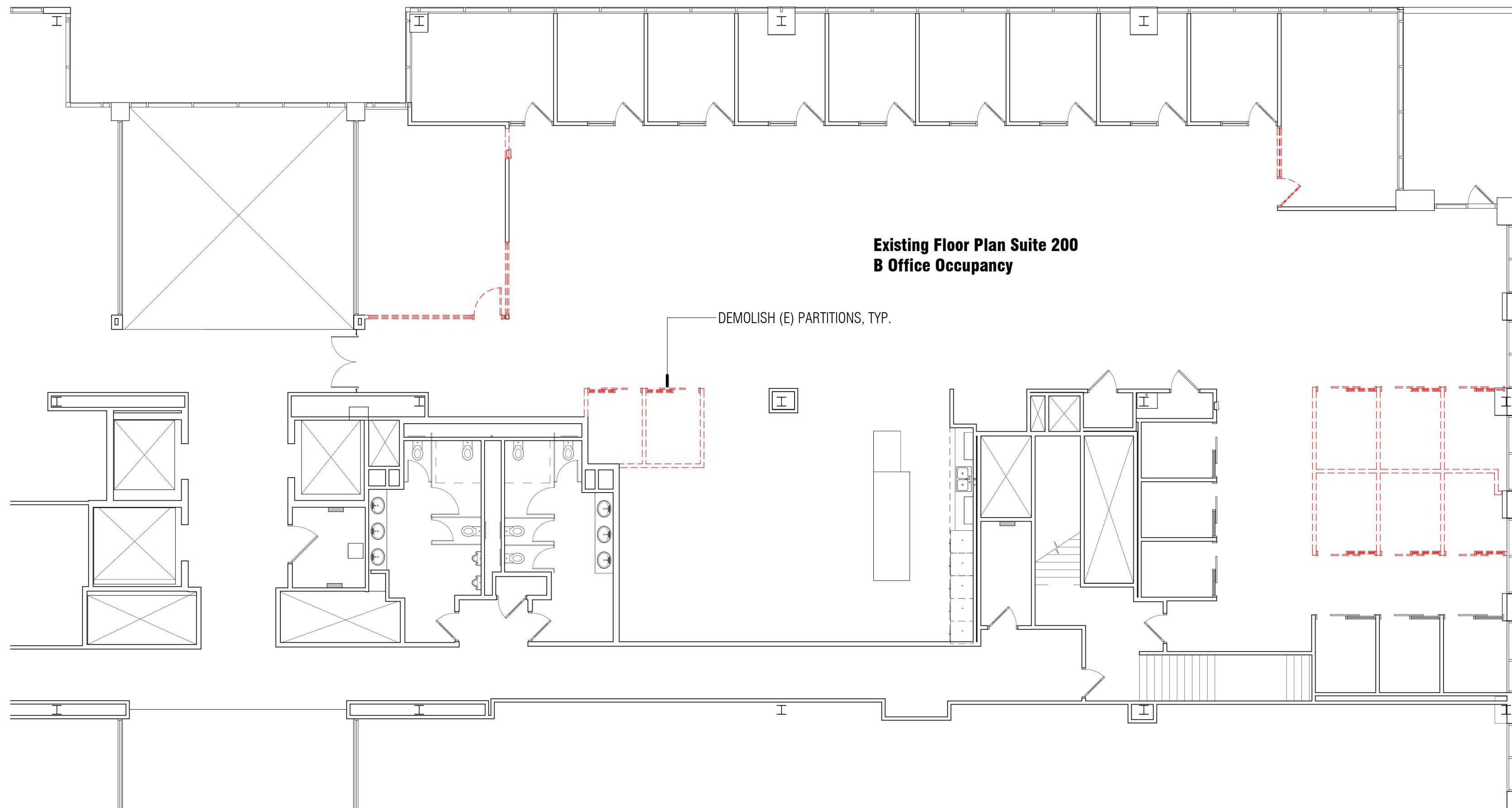
date	5-19-2025	
No.	Description	Date
1	1st Response	8-28-2025
2	2nd Response	10-27-2025
3	Planning Final	11-25-2025
4	Planning Rev	1-15-2026



Site Plan & Zoning Summary

As indicated

A-101



1 Existing / Demolition Plan

1

Lesson 1

EXISTING WALLS & PARTITIONS TO REMAIN

DEMO (E) NON-BEARING PARTITIONS

THIS IS NOT A COMPLETE DEMOLITION PLAN, ADDITIONAL
DEMOLITION MAY BE REQUIRED TO COMPLETE THE NEW WORK

Scope of Work

- THE SCOPE OF NEW CONSTRUCTION WORK IS LIMITED TO THE INTERIOR REMODEL OF AN EXISTING 7,437 SQ. FT. SUITE.
- THE NEW WORK INCLUDES THE DEMOLITION OF EXISTING PARTITIONS, CONSTRUCTION OF NEW NON-BEARING PARTITIONS AND DOORS, AND THE INSTALLATION OF MISCELLANEOUS CASEWORK, EQUIPMENT AND FINISHES, AND INCLUDES ASSOCIATED FIRE/LIFE SAFETY, MECHANICAL, ELECTRICAL AND PLUMBING WORK.
- THERE IS A CHANGE IN USE FROM B TO E OCCUPANCY.
- THREE NEW SINGLE-OCCUPANCY REST ROOMS WILL BE ADDED

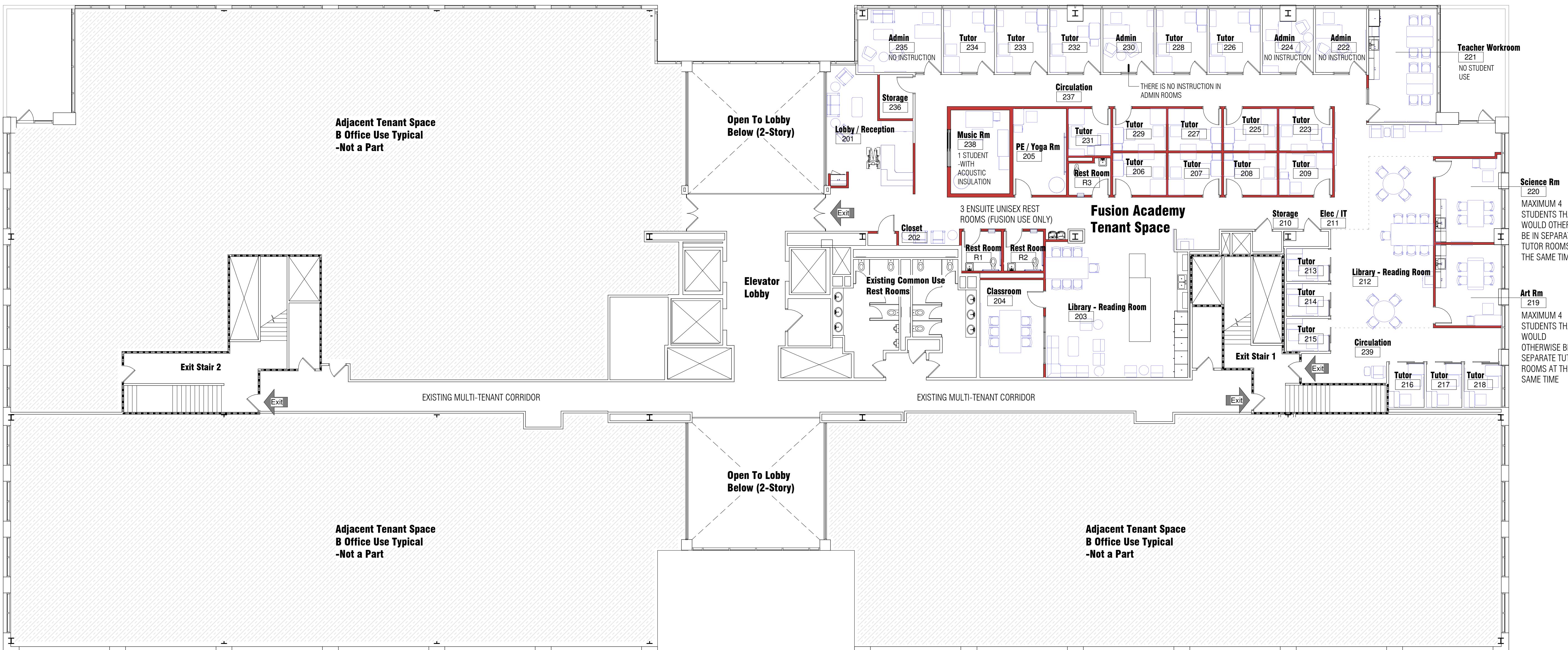
Planning Approval: 00957795-PAUP

Fusion Academy

17875 Von Karman Avenue
(Building A)
2nd Floor / Suite 200
Irvine CA 92614

Existing Floor Plan Suite 200

A. J. F. D. GOMES



Planning Approval: 00957795-PA

17875 Von Karman Avenue
(Building A)
2nd Floor / Suite 200
Irvine, CA 92614

date	5-19-2022	
No.	Description	Date

Room Number	Room Name	Use	Room Area SF	CBC 10 Occ Load Factor	Occupants	Comments
221	Teacher Workroom	Support	274	15	18.27	
204	Classroom	Instruction	219	20	10.95	
206	Tutor	Instruction	79	20	3.95	
207	Tutor	Instruction	79	20	3.95	
208	Tutor	Instruction	79	20	3.95	
209	Tutor	Instruction	79	20	3.95	
213	Tutor	Instruction	49	20	2.45	
214	Tutor	Instruction	49	20	2.45	
215	Tutor	Instruction	49	20	2.45	
216	Tutor	Instruction	54	20	2.70	
217	Tutor	Instruction	54	20	2.70	
218	Tutor	Instruction	57	20	2.85	
223	Tutor	Instruction	79	20	3.95	
225	Tutor	Instruction	79	20	3.95	
226	Tutor	Instruction	115	20	5.75	
227	Tutor	Instruction	79	20	3.95	
228	Tutor	Instruction	115	20	5.75	
229	Tutor	Instruction	79	20	3.95	
231	Tutor	Instruction	70	20	3.50	
232	Tutor	Instruction	108	20	5.40	
233	Tutor	Instruction	115	20	5.75	
234	Tutor	Instruction	115	20	5.75	
205	PE / Yoga Rm	Instruction - Vocational	163	50	3.26	
219	Art Rm	Instruction - Vocational	188	50	3.76	
220	Science Rm	Instruction - Vocational	191	50	3.82	
238	Music Rm	Instruction - Vocational	174	50	3.48	
203	Library - Reading Room	Library E	716	50	14.32	Per CBC 303.1.3, Library is considered E Occupancy
212	Library - Reading Room	Library E	531	50	10.62	Per CBC 303.1.3, Library is considered E Occupancy
201	Lobby / Reception	Support	465	150	3.10	
222	Admin	Support	115	150	0.77	
224	Admin	Support	108	150	0.72	
230	Admin	Support	115	150	0.77	
235	Admin	Support	184	150	1.23	
237	Circulation	Support	1423	150	9.49	
239	Circulation	Support	273	150	1.82	
202	Closet	Support	12	200	0.06	
210	Storage	Support	21	200	0.11	
211	Elec / IT	Support	20	200	0.10	
236	Storage	Support	52	200	0.26	
Total					165.99	

2nd Floor Plan

1" - 10' 0"

Disabled Access Notes

1. THERE IS AN ACCESSIBLE PATH OF TRAVEL FROM THE SIDEWALK & PARKING TO BUILDING ENTRANCE AND TO THE TENANT SPACE. REST ROOMS SERVING THE TENANT SPACE ARE ACCESSIBLE AS REQUIRED BY ACCESS CODES.
2. FURNITURE IN COMMON AREAS SHALL COMPLY WITH APPLICABLE ACCESS CODE REQUIREMENTS FOR KNEE CLEARANCE, AND SIDE AND FRONT REACHES.
3. COUNTERTOPS, DESKS AND WORKSURFACES SHALL COMPLY W/ APPLICABLE ACCESS CODE DIMENSION & HEIGHT REQUIREMENTS.
4. AISLES & PASSAGEWAYS IN THE TENANT SPACE SHALL COMPLY W/ ACCESS CODE WIDTH REQUIREMENTS.

PER SEC. 11B.402.5: CORRIDORS:

PER SEC. 11B-403.5: CORRIDORS:

-LESS THAN 10 OCCUPANTS:	36 INCHES MIN
-10 OR MORE OCCUPANTS:	44 INCHES MIN

General Notes

General Notes

1. FURNITURE LAYOUT IS BASED ON THE ONE-TO-ONE EDUCATIONAL TEACHING MODEL.
2. REARRANGEMENT OF NON FIXED FURNITURE OCCURS FROM TIME TO TIME WITHIN DIFFERENT TYPES OF ROOMS.
3. TEACHING IS PRIMARILY ONE-TO-ONE - ONE TEACHER AND ONE STUDENT.
4. THERE ARE TIMES WHEN SEVERAL TEACHERS AND STUDENTS ARE IN THE SAME ROOM - THOUGH THE TEACHER / STUDENT RATIO REMAINS SUBSTANTIALLY ONE-TO ONE.
5. NO GROUP INSTRUCTION TAKES PLACE IN THE HOMEWORK LIBRARY/QUIET STUDY AREA.
6. NO STUDENTS UTILIZE THE TEACHER WORKROOM.
7. SCIENCE & ART ROOMS ARE USED BY A MAXIMUM OF 4 STUDENTS, WHO WOULD OTHERWISE BE IN A TUTOR ROOM FOR ONE-TO-ONE INSTRUCTION.
8. MUSIC ROOM IS USED ONLY FOR NON-AMPLIFIED INSTRUCTION, WITH ONLY 1 STUDENT PER SESSION.
9. TUTORING WILL BE FOR CHILDREN GRADE 6-12.
10. DOOR HARDWARE IN TUTORING ROOMS SHALL BE NON-LOCKING PASSAGE TYPE.

Legend

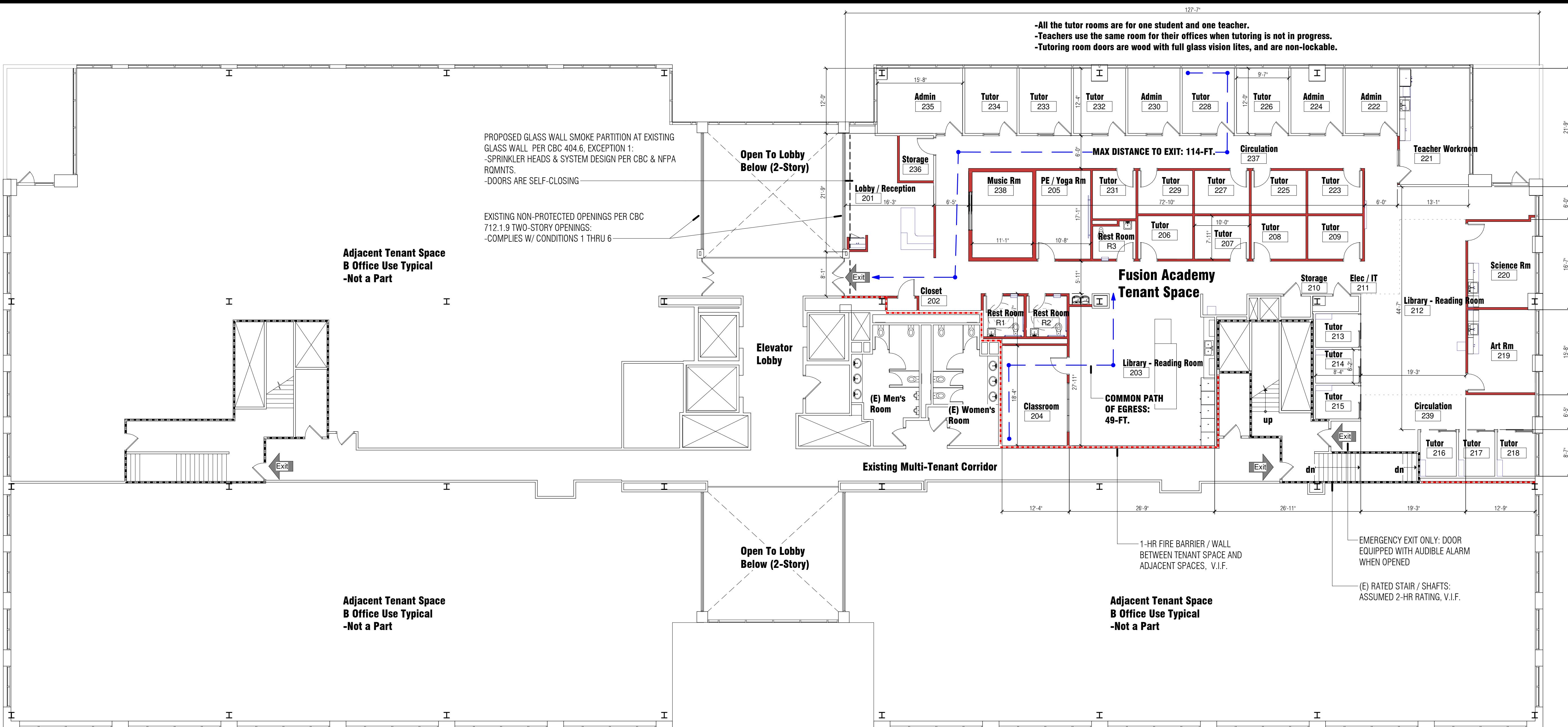
- EXISTING WALLS & PARTITIONS
- NEW NON-BEARING PARTITIONS
METAL STUD / GYPSUM BOARD, TYP.
- PRIMARY EXIT / EXIT SIGN

Scope of Work

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Total					165.99

-ROOM FLOOR AREAS ARE CALCULATED TO INSIDE FACE OF WALLS.
 -GROSS FLOOR AREA OF FULL TENANT SPACE INCLUDES WALLS, COLUMNS, ETC.

1 2nd Floor Plan

1" = 10'-0"

Fire Safety & Egress Notes

TOTAL OCCUPANT LOAD: 166

-2 EXITS REQUIRED, 2 PROVIDED PER CBC TABLE 100.2.1

COMMON PATH OF EGRESS:

-E OCCUPANCY: 75-FT MAX.

MAX DISTANCE TO AN EXIT:

-E OCCUPANCY: 250-FT MAX. (SPRINKLERS)

EXIT STAIR WIDTH:

-E OCCUPANT LOAD IN FUSION TENANT SPACE: 166

-B OCCUPANT LOAD IN 2ND FLOOR: 146

2ND FLOOR OCCUPANTS TOTAL: 312

-MIN. STAIR EGRESS WIDTH: 289'-0": 63"

-EXISTING TOTAL STAIR WIDTH: 120"

1. EGRESS DOORS SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT. SEE 1010.2 FOR EXCEPTIONS.

2. ALL DOORS SHALL BE 36" WIDE MIN. COMPLY W/ CBC SEC 1010.

3. DOOR HANDLES, LOCKS OR OTHER OPERATING DEVICES SHALL BE INSTALLED AT A MINIMUM OF 34" AND A MAXIMUM OF 44" ABOVE THE FINISHED FLOOR.

4. EGRESS ILLUMINATION: COMPLY W/ CBC SEC. 1008
 -THE MEANS OF EGRESS, INCLUDING THE EXIT DISCHARGE, SHALL BE ILLUMINATED AT ALL TIMES THE BUILDING SPACE SERVED BY THE MEANS OF EGRESS IS OCCUPIED, AND SHALL NOT BE LESS THAN 2 FOOT CANDLES AT THE WALKING LEVEL.

5. EXIT SIGNS: PROVIDE AS REQD. BY CBC 103

-EXITS AND EXIT ACCESS DOORS SHALL BE MARKED BY AN APPROVED INTERNALLY OR EXTERNALLY ILLUMINATED EXIT SIGNS.
 WHEN NECESSARY, THE FINAL LOCATION AND QUANTITY OF EXIT SIGNS SHALL BE DETERMINED BY THE FIRE DEPARTMENT PRIOR TO CONSTRUCTION.

6. PORTABLE FIRE EXTINGUISHERS: PROVIDE AS REQD. BY CBC 906.
 -SIZE AND DISTRIBUTION OF PORTABLE FIRE EXTINGUISHERS SHALL BE IN ACCORDANCE WITH SECTIONS 906.3.1 THROUGH 906.3.

7. ALL FIRE-RATED DOORS SHALL HAVE A THRESHOLD WITH A SMOKE AND DRAFT SEAL AT HEAD AND JAMBS.

8. INTERIOR WALLS AND CEILING FINISHES SHALL BE NON-COMBUSTIBLE OR HAVE A FLAME SPREAD INDEX OF 26-75; SMOKE-DEVELOPED INDEX 0-450.

9. ALL DRAPES, HANGING CURTAINS, AND OTHER DECORATIVE FABRICS SHALL BE TREATED AND MAINTAINED IN A FLAME RETARDANT COATING.

10. THE CONTRACTOR SHALL VERIFY ALL EXISTING FIRE-RATED WALLS & ASSEMBLIES AND SHALL REPAIR AS REQUIRED TO MAINTAIN FIRE RATING.

Risk Category CBC 1604.5

PER CBC T1604.5:

-EXISTING BUILDING RISK CATEGORY: RISK CATEGORY II
 -GROUP E OCCUPANCY W/ OCCUPANT LOAD LESS THAN 250: RISK CATEGORY II

BUILDING WILL CONTAIN EDUCATIONAL OCCUPANCY FOR STUDENTS IN 6TH THROUGH 12TH GRADE ONLY.

-->DESIGN COMPLIES



Floor Plan Notes

1. FINAL OCCUPANT LOADS / USES WILL BE CONFIRMED BY BUILDING & FIRE DEPARTMENTS DURING THE SUBMISSION & APPROVAL OF THE BUILDING PERMITS.

2. FURNITURE ARRANGEMENT & LAYOUT SHOWN ARE SUBJECT TO TYPICAL ADJUSTMENTS & RE-ARRANGEMENTS.

3. EXISTING ELEVATORS ARE PROVIDED W/ STANDBY POWER IN ACCORDANCE WITH DISABLED ACCESS CODES & STANDARDS.

4. FIRE ALARMS WILL BE PROVIDED PER CFC 907, E OCCUPANCY.

Building Summary

- 1) EXISTING BUILDING TYPE: TYPE I-B
- 2) EXISTING TOTAL GROSS FLOOR AREA: 125,390 SF
- 3) NUMBER OF STORIES: 4 STORIES OVER BASEMENT
- 4) FIRE SPRINKLERS: YES
- 5) OCCUPANCY GROUP IN TENANT SPACE: E
- 6) GROSS FLOOR AREA (TENANT SPACE): 7,437 SF

17875 Von Karman Avenue
 (Building A)
 2nd Floor / Suite 200
 Irvine CA 92614

date 5-19-2025
 No. Description Date
 1 1st Response 8-28-2025
 2 2nd Response 10-27-2025

2nd Floor Plan /
 Building Code
 Summary & Notes

As indicated

AUP LETTER OF JUSTIFICATION

Letter Sections

- I. Project Overview
- II. Project Goals
- III. Suggested Operational Conditions
- IV. AUP Design Standards
- V. AUP Findings
- VI. Resolution 25-1626 – Fusion Academy Airport Tower

I. Project Overview

1. **Project Applicant:** Fusion Academy (“Fusion” or “Applicant”) operates innovative educational facilities using a teaching model that is consistent with a tutoring facility or center. The one-to-one educational model successfully enables middle and high-school-aged (“MS”, “HS”) adolescent students to matriculate for MS and HS degrees in grades 6-12. For many students, the traditional institutional school model does not fit how they learn best. Fusion Academy was created to provide each of these students with the ideal student-teacher/tutor ratio and educational model to thrive and to be better prepared for college.
 - a. Fusion’s model includes instruction primarily taught one-to-one, one student and one teacher/tutor per workstation. Occasionally there may be up to four students and one teacher in the art or science rooms. The students would otherwise be in individual one-to-one tutoring sessions but are brought together from those individual sessions to participate in art and science.
 - b. The two library-reading rooms can accommodate 17 and 18 students, although they will typically only be occupied by 10 students or less at a time. The library-reading rooms will typically have one teacher/tutor answering questions on a one-to-one basis but never providing group/classroom instruction.
 - c. Fusion provides flexible schedules to both students and staff; unlike a traditional school model, Fusion provides sessions where students can begin and end their day on a tailor-made personalized schedule. Few matriculating students are in the tenant suite after 3:00 pm; on occasion when needed, guided study or tutoring occurs between 3:00 to 8:00 pm but rarely later and generally not after 6:00 pm.
 - d. Fusion’s use of the tenant space is most similar to a tutoring facility, and therefore, a commercial office suite works well for this and more than 20 other Fusion Academies throughout California. Staff are aware of the CUP entitlement approval (CUP No. 00830587-PCPM) for Fusion Academy as a commercial school and tutoring facility in February 2025 at the Irvine location known as Airport Tower.
2. **Nationwide Governance:** Fusion Education Group, the parent company to Fusion Academy, purchased all Futures Academies in Spring 2019, added Futures to its portfolio, and changed those added from Futures to Fusion. This resulted in operation by FEG of 80 nationally located alternative schools, operating as tutoring facilities with MS and HS degree matriculation for students in grades 6-12.
3. **AUP Entitlement Requested:** Fusion requests an Administrative Use Permit (“AUP”) for a “Commercial School and Tutoring Facility (collectively “CS” – IZC S. 3-37-29-5.1.C) in Building “A” within the Intersect Campus (Site Plan, Application Document No. 6). The AUP entitlement will limit occupancy to a maximum of 65 6-12th grade MS and HS students and 30 staff (26 teachers and 4 administrators) in the 7,437 sq ft usable (9,836 SF rentable by BOMA standards), 2nd floor tenant suite No. 200 opposite the Spaces co-working office. And, despite the land use being defined as a CS, there are no assembly

uses, no intense pulses of drop-off/pickup, and all students and staff have significantly divergent schedules.¹

4. **Project Site:** Intersect is a four-building, campus style complex with 436,281 sq ft of office space that brings together tenant suites, wellness amenities, a café, and a full-service restaurant on 16 acres (Site Plan, Application Document No. 6). Intersect's website states that "combining tenant suites for a variety of land uses and wellness helps to reduce health-related absences, improve morale, and increase learning and productivity. With a progressive design, Intersect stands out through its amenity program, location, and style, among other attributes."
5. **CS AUP Application Scope:** Based on consultation with city planning and transportation staff, DMA prepared the land use, traffic and parking demand analyses submitted with this Letter of Justification for a CS AUP. Staff informed and directed the Applicant's land use consultant as follows in regard to the Airport Tower CUP which is now applicable to the Intersect AUP (Personal Communication, Ann Wuu, Principal Planner, Hernan Desantos, Senior Planner, 6/13/24):
 - a. **Fusion Academy Is a CS Land Use:** The City's Zoning Ordinance defines a CS as a business establishment where instruction is given, in exchange for payment of a fee (IZC S. 1-2-1). Staff concluded again in 2025 (Personal Communication, Michael O'Toole, Assoc. Planner, 6-26-25) that Fusion should seek a CS use permit entitlement. Such entitlement does not require provision of outdoor recreation space which is consistent with the facts that (i) none of the more than 20 California-based Fusion locations utilize outdoor recreation space and (ii) Fusion's accreditation by State and private authorities does not require outdoor recreation.
 - b. **Compatibility with IBC District:** The 5.1 Multi-Use IBC land use district is intended as an area in which a wide variety of uses are allowed. "Specific institutional uses, particularly those proposed to serve the needs of the residential and employee populations of this district, such as schools...are especially encouraged."
6. **Trip Analysis:** When reviewing the Airport Tower Minor CUP processing, City transportation staff confirmed that a Limited Scope Traffic Study was not required. The same conclusion is expected for the subject Intersect project (Personal Communication, Lisa Thai, Principal Transportation Planner, 11-4-24). The applicant is again looking for City transportation staff to prepare an Average Daily Trip Waiver ("ADTW") for the 204 trips over the daily DIV budget for the use of the 7,437 sq ft tenant space as a CS. The Parking Demand and Development Intensity Value (DIV) Assessment ("Parking-DIV Assessment") prepared by the project traffic consultant, Garland Associates, concludes there are no DIV overages for the AM or PM peak periods (Parking-DIV Assessment, Application Document No. 5). This finding further supports that the AUP entitlement warrants an ADTW and no traffic impact analysis.
7. **Arrivals/Departures - Parking Demand Mitigation:**
 - a. **Parking Demand Overview:** Fusion does not have uniform start/end times where all students or staff arrive and depart at the same time. Arrivals and departures also do

¹ Fusion's request for a CS AUP is consistent with the project scope of the recent approval of a Fusion Academy at the Airport Tower location. Fusion expects to be conditioned similarly at the subject Intersect location. These conditions include updating the Fusion Academy website to reflect the CS description as it relates to degree matriculation. Fusion would not be required to provide a dedicated outdoor recreation area at the subject Intersect location – consistent with what was approved for the Airport Tower CS CUP and the fact that Fusion is not required to offer outdoor recreation to maintain its State and WASC accreditation.

not coincide with “standard” business-tenant hours of 8:00 am – 6:00 pm. Most students are driven by parents/caregivers and only 10% of all students self-drive and park.

- i. The first class is offered at 7:30 am; however, most students are scheduled later in the morning and end classes by 3:00 pm before the PM peak departure hours of business tenants. Peak parking demand of 37 spaces takes place during the period of 11:00 am to 2:00 pm.
- ii. Some students that are not matriculating for degrees arrive after 3:00 pm for after-school tutoring. Instructions are provided at the beginning of each semester regarding drop-off, pick-up, and circulation to all caregivers and students.
- iii. Fusion does operate in the summer, but student and staff maximum occupancy at one time is less than half of the Fall/Spring semesters. Low parking demand is consistent with a by-right tutoring facility in the IBC zone when compared to traditional and larger schools with intense periods of drop-off and pickup.

b. **Required Parking:** Parking for a CS is one space per staff, and one space per three students (IZC Sec. 4-3-4.29). For 65 students and 30 staff, required parking is 52 spaces. The Parking-DIV Assessment submitted as a deliverable to this AUP entitlement request concludes that maximum parking demand would be 37 spaces (Parking-DIV Assessment, Application Document No. 5). This conclusion is based in part on data for peak times of student/staff arrivals/departures between 11:00 AM to 2:00 PM at all other Fusion Academies.

c. **Provided Parking:** Fusion will have lease rights for 52 parking spaces. The spaces are located within the two ground-level parking lots to the east/south-east of the subject building with access from Von Karman Ave, and to the above-ground six-story parking structure with access from Gillette Avenue.

d. **Abundant and Non-Required Spaces:** Based on current uses of the Intersect campus buildings, there are 192 non-required spaces, and this includes required spaces for 100,000 sq ft of medical office. Accounting for the proposed Suite 200 change of use and Fusion’s CS parking requirement of 52 spaces, there are 155 non-required spaces. Substantially all on-site parking is unreserved except for spaces designated for the on-site restaurant in the more southerly ground-level lot.

e. **Ground-Level Parking Use:** Staff present for only a class or two and those few HS students that drive will use the ground-level parking area which is closest to the front entry of the subject building. Staff that will be onsite for more than two classes will park in the parking structure.

f. **Monthly Passes and Carpooling:** Fusion is required to purchase monthly parking passes at a cost of \$80 each for employees and HS students that drive. Fusion offers incentives for carpooling to reduce the number of passes and private car trips.

8. **Drop-Off/Pickup Area:** The first row of the ground-level parking area directly east/southeast of the main entry to the subject building with primary access from and fronting along Von Karman Ave is designated for short term drop-off/pickup of students. Caregivers that are dropping or picking up pull a kiosk ticket and have a 15-minute grace period to exit for no fee. The café validates for an hour and is a pleasant place for a caregiver to relax and avoid traffic congestion.

9. **Arrivals/Departures - Access and Circulation Mitigation:** The staggered schedules and spread-out duration of arrival/departure times are already part of the project

description that effectively mitigates queuing, circulation, and parking demand to a level of insignificance.

10. **Surrounding Land Use:** The existing office building is isolated and buffered from residential and all other potentially sensitive receptors due to its location in the eastern corner of the 16-acre lot, surrounded by other commercial buildings which include perimeter landscape and fencing. Surrounding land uses are compliant with the 5.1 IBC Multi-Use category, as is the Intersect campus. There is no potential for incompatibility or unmitigated impacts of operating a small CS land use most closely aligned with the land use definition of a tutoring center in a 7,437 sq ft tenant suite.

Table 1 – Offsite Land Use Compatibility

Direction Relative to Fusion	Zone	Land Use	Location Compatibility
North	5.1 IBC Multi-Use	<ul style="list-style-type: none"> • Multi-Family Residential • Gillette Ave 	Y
South	5.1 IBC Multi-Use	<ul style="list-style-type: none"> • Office • Von Karman Ave 	Y
East	5.1 IBC Multi-Use	<ul style="list-style-type: none"> • Airport Corporate Center • McGaw Ave 	Y
West	5.1 IBC Multi-Use	<ul style="list-style-type: none"> • Hotel • Main St 	Y

11. **Ideal Tenant Space – On-Site Use Vs. Enrollment Numbers:** Fusion firmly believes that this second-floor suite at 17875 Von Karman with abundant parking is ideal for its unique, one-to-one educational model land use.

- a. The Suite 200 floor plan easily accommodates 65 students and 30 staff at any one time.
 - i. The 7,437 sq ft suite will operate as follows: 20 tutor rooms, 2 library-reading rooms, 4 admin rooms, 1 classroom, 1 music room, 1 PE/yoga room, 1 science room, 1 art room, 1 teacher workroom, 2 storage rooms, and 2 IT/electric rooms.
 - ii. The library-reading rooms will typically be occupied by up to 10 students at a time each, although there are enough seats for 18 students maximum.
 - iii. The art and science rooms can accommodate up to 4 students each. The music room and PE/yoga room accommodate 1 student at a time each.
 - iv. The total number of students accommodated in the 20 tutor rooms, library-reading rooms, group art and science rooms, and individual PE/yoga and music rooms is 65 students.
- b. Due to Fusion' unique education model, Fusion can have more than 65 students enrolled, as not all students are onsite at the same time.
- c. Student and teacher/tutor schedules are staggered throughout the day capping at the numbers listed above. Each student has a personalized schedule that is tailored around their needs and schedules outside of school. No two students or staff

members have the same schedule, which mitigates potential traffic, and parking impacts to a level of insignificance.

- d. Evening events such as parent-teacher conferences, open houses or presentations occur after general business hours where parking is even more abundant.
- e. There will be minor TI modifications to the interior of the suite and hallway which are already accounted for in the e project plans. No work is proposed to the exterior parking, pedestrian, or public areas. Many of the existing TI improvements installed by the prior tenant will be re-used by Fusion.

12. **Micro-Learning Design:** Fusion provides a micro-learning environment, an intentionally small learning community, where its point of difference is that “every student is known, seen, and belongs.” Belonging has been linked to superior education outcomes and to eliminating the negative social consequences of larger populations, such as bullying and isolation. Students do not attend sessions all day, every day, but rather on staggered schedules, so the population inside the suite does not exceed the maximum proposed, and parking demand is reduced.

13. **Premium, Personalized Learning:** Fusion uses a traditional office floorplan as its learning space, which does not look like a traditional school. Fusion only operates in Class A or B office buildings to create a college-like experience for students. Classes are taught in a highly personalized format, a model that was pioneered by its founder, Dr. Karen Bishop after she studied the effects of personalized education at Oxford University. In the Fusion model, every student receives individualized instruction for each subject.

- a. In this format, Fusion resembles a tutoring facility and is tutoring like in use of space, layout, and furniture. Fusion staff are experts at presenting the material, so it is taught to the individual's learning pace, style, and preferences.
- b. One-to-one and small group instruction paced to a specific type and speed of learning has been shown to improve learning outcomes by up to 80%.
- c. Each session runs for 50 minutes, and no two schedules are the same. Session schedules are personalized to fit each individual students' needs and out-of-school schedules, which is important to students who are committed to extra-curricular activities, such as competition, training, sports, acting, music, or family needs such as extended travel.

14. **Flexible Schedules – Various Reasons:** Students and their parents are attracted to the flexible scheduling options. Flexible scheduling options are especially appealing for two types of students: (i) highly academic students seeking top-tier schools that take honors and AP courses and leave the school suite to focus on homework or writing assignments at home, and (ii) students pursuing outside interests such as sports and training, health, and wellness, acting and music, family businesses or travel that makes matriculating at a traditional school impossible. Fusion is proud of its students who are actively involved in equestrian sports, golf, tennis, and acting. And, families benefit from compressing school and completing homework during the school day to maximize family activities, play and rest in the evening.

15. **Students:** Fusion students learn better with a non-traditional classroom setting and schedule for a variety of reasons. These typically fall into one of four categories of students. While the needs of each student type are different, they all share the fact that learning in a large, crowded setting is not how they learn best:

- a. Students who learn faster than the class move. They often become bored, unchallenged and over time, even unmotivated in large classrooms.

- b. Students who learn at a slower pace than in a traditional classroom. These students often have good intellect yet need to ask more questions to understand material. When that time is not allowed, and they do not understand the 'why' behind something, they become frustrated and fall behind in classroom settings.
- c. Students who face social anxiety with large school environments and/or have experienced bullying and need a safe space.
- d. Students who need flexible schedules that are not offered in a traditional school.

16. **Types of Sessions Offered:** Fusion offers 170 academic courses that are "common core aligned" and many are UC, Cal-State, and NCAA approved. All courses are academic in nature and taught in a tutoring-like setting, primarily with one teacher and one student. There are no sports or music performance classes; music appreciation instrumental training is taught with laptop and headphones only, so there is no audible sound that can disturb other students or adjacent tenants.

- a. Courses are set at the college-prep, honors, and advanced placement levels. Students grow into well-rounded members of the academic and local community with courses in health, psychology, college compass, and *Mindshift: The Science of Learning/Science of Happiness - a two-part course*. Fusion enables students to take a variety of elective courses in diverse subjects such as photography, game design, foreign languages, finance, and journalism.
- b. Students use electronic textbooks, eliminating transport of heavy materials and cutting back on wasted paper. Fusion does teach via video conferencing for students with travel conflicts. The course catalog and full program offerings are available on the Fusion website.

17. **Physical Education:** Fusion Academy offers students the option of *limited* physical education inside the space, such as yoga and Pilates. However, most students receive their physical education credits outside of the suite through independent means, such as private sports teams or fitness clubs, and verified to the school by a coach or trainer. As discussed above, Fusion is not required to utilize exterior locations for physical education to maintain its accreditation.

18. **Hours and Days of Operations:** Fusion is open from 7:30 am to 8:00 pm, Monday through Friday. The first classes are offered at 7:30 or 8:00 am; however, most students are scheduled later in the morning and end classes by 3:00 pm.

- a. **Staff:** Administrative staff arrive by 7:30 am and depending on student schedules leave by 5:00 pm five days a week. Teacher-tutor schedules are flexible and align with students are scheduled, therefore most of the teachers arrive between 7:30 and 8:00 am and leave between 3:30 and 4:00 pm five days a week. Fusion is open on the weekends by appointment only, for ACT and SAT testing about one weekend per month on average. Weekend appointments occur during the hours of operation, 7:30 am to 8:00 pm.
- b. **Parent Teacher Conferences:** Formal parent-teacher conferences occur once per semester over the course of 1-2 weeks. Conferences can take place during daytime hours or later in the day to end by 8:00 pm. They occur staggered over a two-week period, to further mitigate and reduce parking demand despite the abundance of available parking onsite as described herein.
- c. **Summer:** Fusion Academy is open year-round providing summer classes; however, the student population is significantly smaller during the summer period - usually half to two thirds of the fall/spring on-site enrollment levels.
- d. **Staggered Schedules:** Students take classes on staggered schedules (some attend Mon-Wed-Fri; some Tues-Thurs; some mornings only, some every day).

- e. **Non-Matriculation Tutoring:** Fusion Academy does provide tutoring and “class-for-credit” for students who are not enrolled. Most tutoring and class-for-credit classes occur after 3:00 pm.
- 19. **Lunch, Snacks and Breaks:** Fusion provides a lunch break from 11:30 am - 12:00 pm daily. Most students bring lunch to this location or have lunch delivered. However, some students who have been granted off campus privileges will either walk to the onsite café or drive to local establishments (HS seniors only). No student is allowed to leave the suite without prior parental approval on file and must notify staff they are leaving.
- 20. **Enrollment and No Anticipated Enrollment Increase:** Fusion has been operating as a CS in the City since 2014, first at the Martin St. location and then at the Airport Tower. Neither of these locations have impacted other tenants nor created parking or circulation impacts, loitering or noise. The enrollment by semester fluctuates and Fusion expects to maintain an average enrollment of at least 40 students. Factors including covid and increase of personalized learning needs enable Fusion to be confident of creating this flagship location for 65 students and 30 staff onsite at any one time.
- 21. **Safety and Emergency Procedures:** Safety is a top priority at this and every Fusion location. There are two sets of safety protocols, one for daily check in and out and one for emergency drills. For daily check-in and check-out, Fusion issues student IDs to all students upon enrollment. Students are required to sign in and out at the front desk when coming and going from the suite. This sign in/out sheet is used as the student roster and during emergency drills to account for all students.
 - a. During new student orientation, all students, caregivers, and staff are required to read and sign policy forms detailing appropriate behaviors while on campus, including, but not limited to, a code of conduct policy and an anti-bullying policy. Fusion reviews its emergency procedures and the drills that are scheduled for these procedures. These procedures include earthquake, fire, shelter in place, evacuation, and other emergency situations. Procedures and been reviewed and approved by its accreditor and safety drills are kept on file for both internal and external accreditation purposes.
 - b. Fusion conducts emergency drills a minimum of once per Fall, Spring, and Summer semesters to ensure that students and staff are familiar with the appropriate procedure in an emergency. This Fusion location has an assigned Emergency Response Team responsible for conducting drills, maintaining, and collecting the emergency contact information for each student and staff on site, and accounting for all students and staff in the case of evacuation. All entrances and exits to the suite are monitored by a closed-circuit camera system. Fusion holds student seminars during the year to encourage students to ‘See Something, Say Something’ regarding their surroundings.
- 22. **Environmental Compliance:** Pursuant to Section 4 of the City of Irvine CEQA procedures and Article 19 of the State California Environmental Quality Act (“CEQA”) Guidelines, the Intersect location will qualify as did Airport Tower to be categorically exempt (CEQA, S. 15301, Class 1 - Existing Facilities (minor change of land use)).

II. Project Goals:

The following are the goals for establishing this flagship Fusion location in the City of Irvine:

- a. Satisfy local demand for non-traditional education based on the Micro-Learning Design model.
- b. Utilize this 7,437 sq ft suite within a central, well-located, easy-to-access office park serving Irvine and Newport Beach.
- c. Avoid the need to (i) add larger signage, or (ii) utilize the suite in a way that is inconsistent with the quiet, low-key office uses that characterize the Intersect Campus.
- d. Conform with all CS development and siting standards.
- e. Assist city staff to consider the merits of entitling non-traditional educational land uses that matriculate students for degrees as well as offer tutoring and class-for-credit options.
- f. Enable landlords in the city to capture a more diverse number of nontraditional office tenants to make up for the reduced post-covid demand that has resulted in substantial outsourcing of labor and remote working.
- g. Utilize a substantial percentage of the previously installed high-quality tenant improvements in the currently vacant 7,437 sq ft office space that a traditional office tenant would tear out and dispose of in a landfill.

III. Suggested Operational Conditions:

Fusion Academy operates at its Airport Tower location as entitled by the subject Resolution approved by the Zoning Administrator on February 26, 2025 (See Section VI). Fusion has accepted all conditions in the Airport Tower CUP and agrees to adopt all again as part of the final Resolution for the Intersect AUP.

The following additional measures are either already part of the project description or proposed to ensure operations do not disrupt the quiet enjoyment of the adjacent and surrounding office land uses:

- a. Access/Traffic/Circulation/Parking:
 - i. Ensure that Fusion staff, caregivers, and HS students that drive are fully versed at the start of each semester of all parking and access policies for safe ingress, egress, parking, and pedestrian paths of travel.
 - ii. Schedule open house or parent/teacher conferences during periods of reduced parking demand.
- b. Tenant and Office Park Compatibility:
 - i. Post an emergency contact telephone number on the entry and exit doors leading to the Fusion tenant space.
 - ii. Prohibit amplified sound inside the suite that can extend outside the suite perimeter.
 - iii. Establish rules, regulations, and policies for required student behavior when outside the suite in any common area or onsite.
 - iv. Prohibit loitering outside the Fusion suite while students are waiting for caregiver transportation to arrive.
 - v. Utilize a shared ride location (Uber/Lyft) consistent with what other tenants are using.

- c. Orange County Fire Authority/Irvine Police:
 - i. Comply with fire-life safety occupancy/code requirements as reasonably required by the City Building Department and the OCFA consistent with the low student/staff ratio and ingress/egress applicable to the second floor.
 - ii. Provide contact information to the Irvine Police Department.
- d. Occupancy and Operations:
 - i. Limit occupancy on site at any time to 65 students and 30 staff.
 - ii. Limit hours of operations M – F to 7:30 am to 8:00 pm year-round, with occasional administrative meetings outside these hours.

IV. AUP Design Standards

Fusion seeks an AUP for the operation of a small CS and tutoring facility where middle and high school students matriculate for MS and HS degrees and receive one-to-one tutoring as described herein. The project complies with the Design Standards for administrative uses provided in Section 2-33-5 of the City of Irvine Zoning Code as follows:

For All Administrative Use Permits.

A. ***Parking.***

- a. *The use shall meet the minimum parking requirements as outlined in Division 4 – Parking of the Irvine Zoning Ordinance.*
 - i. **Demand is Accommodated:** Fusion will have lease rights for 52 parking spaces, which satisfies the parking required and exceeds the maximum parking demand of 37 spaces. Because of staggered student and staff schedules, there are no concentrated pulses of pick-up and drop-off, effectively mitigating potential impacts of queuing, circulation, and parking demand to a level of insignificance.
 - ii. **Non-Required Spaces Exceed Demand:** Based on current uses of the Intersect campus buildings, there are currently 192 non-required spaces, including required spaces for 100,000 sq ft of medical office that was entitled as part of the CUP for the onsite restaurant (CUP No. 23-1593). Accounting for the proposed Suite 200 change of use and Fusion's CS parking requirement of 52 spaces, there are 155 non-required spaces.

B. ***Compatibility.***

- a. *The use shall be compatible with adjacent land uses and shall not adversely affect the adjacent properties, the surrounding neighborhood, or other uses on the property where the use will be located. This requirement extends to hours and days of operation, noise, and other impacts that may typically affect neighborhood compatibility.*
 - i. **Compatibility:** City staff carefully apply the rules, regulations and policies of the General Plan and the subject IBC zoning. The CS land use entitlement must be either by-right or by administrative or discretionary (conditional) use. The proposed use is compatible with existing and future uses to the extent those are known and will comply with each of the applicable provisions of the Zoning Ordinance.
 - ii. **Built in Mitigation:** As an educational land use, Fusion is well situated and operationally conditioned to mitigate adverse traffic, parking, noise, and other impacts on the surrounding commercial uses and the residential neighbors. The existing office building is isolated and buffered from residential and all other potentially sensitive receptors due to its location in the eastern corner of the 16-acre lot, surrounded by other commercial buildings which include perimeter landscape and fencing. There is no potential for incompatibility or unmitigated impacts of operating a small CS and tutoring facility land use most closely aligned with the land use definition and operations of a tutoring facility in a second floor 7,437 sq ft tenant suite. The mature Intersect Campus has proven to be non-impactful to the neighborhood. Its 11-acre open space area is free to the public to visit the café – there are often several young families with children enjoying the amenity area.
- b. *The administrative use shall not result in any adverse impact to site access or traffic flow on streets, alleys, and drive aisles.*
 - i. **Staggered Schedules:** Because of staggered student and staff schedules, there are no adverse impacts to site access or traffic flow on interior or exterior streets,

driveways or drive aisles. This is effectively mitigated by the distinct lack of concentrated pulses of pick-ups and drop-offs, effectively avoiding potential impacts of queuing, circulation, and parking demand to a level of insignificance.

- ii. Multiple Parking Options: Parking for tenants, visitors, staff, caregivers and students that drive is provided immediately proximate to the building entrance and in the six-story parking structure. Restaurant visitors and staff are the only ones that have reserved spaces due to low overall demand and abundance of non-required spaces.

C. Signage.

- a. *The use shall meet the requirements as outlined in Division 7 – Signs of the Irvine Zoning Ordinance.*
 - i. No new signage is proposed and the project is thereby compliant.

D. General Development Standards and Planning Area Requirements.

- a. *The administrative use shall meet all applicable development standards established by Division 3 – General Development Standards and Land Use Regulations and Division 9 – Planning Areas of the Irvine Zoning Ordinance.*
 - i. Compliance with Development Standards: The proposed educational land use is located entirely within the 7,437 sq ft tenant suite inside an office building in the Intersect campus. No changes to the existing campus, building footprint, building square footage, landscaping, driveways, or site circulation are proposed.
 - ii. Lack of Nexus for Improvements: The subject office building is likely compliant with all Division 3 and 9 requirements as determined in a recent CUP (restaurant CUP No. 23-1593, 2023) and there is no basis to assert a nexus between the proposed use and physical design changes that otherwise could be applicable.

V. AUP Findings

Fusion seeks an AUP for the operation of a small CS and tutoring facility where middle and high school students matriculate for degrees, and students receive MS, HS, and one-to-one tutoring as described herein. The findings required by Section 2-33-7 of the City of Irvine Zoning Code for approval of Administrative Use Permits can be made as follows:

For All Administrative Use Permits.

A. *The administrative use will comply with all the applicable development standards of the Zoning Ordinance and the purpose of the zoning district in which the site is located.*

- a. Compliance with Development Standards: The proposed administrative use is located entirely within the second floor 7,437 sq ft tenant suite inside an office building in the Intersect Campus. No changes to the existing campus, building footprints, building square footage, landscaping, driveways, or site circulation are proposed. The office building is in conformance with all applicable development standards of the Zoning Ordinance (Divisions 3 and 9), and none of minor interior TI will trigger additional compliance requirements.
- b. Purpose of the Zoning District: The subject property is located within the 5.1 IBC Multi-Use zoning district, which is intended as an area in which a wide variety of uses are allowed. “Specific institutional uses, particularly those proposed to serve the needs of the residential and employee populations of this district, such as schools...are especially encouraged.” This local-serving educational land use is clearly consistent with the type of project intended for the 5.1 IBC Multi-Use zoning district.

B. *Adequate traffic circulation, off-street parking, and pedestrian safety will be maintained during the operation of the administrative use.*

- a. Traffic Circulation: The staggered schedules and spread-out duration of arrival/departure times are already part of the project description that effectively mitigates potential impacts of queuing, circulation, and parking demand to a level of insignificance.
- b. Off-Street Parking: Fusion will have lease rights for up to 52 parking spaces, which satisfies the parking required and exceeds the maximum parking demand of 37 spaces. Because of staggered student and staff schedules, there are no concentrated pulses of pick-ups and drop-offs, effectively mitigating potential impacts of queuing, circulation, and parking demand to a level of insignificance. The project has been conditioned where necessary to avoid impact to existing or future uses and an Average Daily Trip Waiver (“ADTW”) has been required and approved. As conditioned, the applicant will be required to limit the number of instructors/staff and students onsite to a maximum of 30 and 65 respectively.
- c. Non-Required Spaces Exceed Demand: Based on current uses of the Intersect campus buildings, there are currently 192 non-required spaces, and this includes required spaces for 100,000 sq ft of medical office. Accounting for the proposed Suite 200 change of use from office to CS, and Fusion’s CS parking requirement of 52 spaces, there are 155 non-required spaces.
- d. Pedestrian Safety: The Intersect Campus has clearly marked crosswalks, sidewalks, and lighted pedestrian paths of travel and drive-aisles that ensure pedestrian and driver safety. No improvements are proposed to the exterior parking, pedestrian, or public areas. To ensure the pedestrian safety among its students and staff, all parking and access policies for safe ingress, egress, parking, and pedestrian paths of travel are provided to students and caregivers.

C. *The administrative use will not impair the character and integrity of the zoning district and surrounding area.*

- a. Character and Integrity of the Zoning District: The subject property is located within the 5.1 IBC Multi-Use zoning district, which is intended as an area in which a wide variety of uses are allowed. "Specific institutional uses, particularly those proposed to serve the needs of the residential and employee populations of this district, such as schools...are especially encouraged." This local-serving educational land use is clearly consistent with the type of project intended for the 5.1 IBC Multi-Use zoning district.
- b. Compatible with Existing and Future Uses: As an educational land use, Fusion is well situated and operationally conditioned to prevent adverse traffic, noise, and other impacts on the surrounding commercial uses and the residential neighborhood to the north. Fusion had already successfully exhibited a record of ensuring parking and student arrivals and departures are conducted to minimize impacts while operating at the prior Martin St. and current Airport Tower locations. There is no potential for incompatibility or unmitigated impacts of operating a small CS land use most closely aligned with the land use definition of a tutoring center in a second floor 7,437 sq ft tenant suite.

D. *The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.*

- a. Applicable City Policies: The proposed administrative use is located entirely within the second floor 7,437 sq ft tenant suite inside an office building in the Intersect Campus. No changes to the existing campus, building footprint, building square footage, landscaping, driveways, or site circulation are proposed. The office building is in conformance with all applicable City policies and development standards of the Zoning Ordinance, and none of the proposed improvements will trigger further compliance requirements with applicable City policies.
- b. Intent of the Zoning District: The subject property is located within the 5.1 IBC Multi-Use zoning district, which is intended as an area in which a wide variety of uses are allowed. "Specific institutional uses, particularly those proposed to serve the needs of the residential and employee populations of this district, such as schools...are especially encouraged." Pursuant to applicable City policies and the intent of the 5.1 IBC Multi-Use zoning district, the proposed administrative use is clearly consistent with the type of project intended for this district

E. *The administrative use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

- a. No Detriment to Public Health, Safety, or Welfare: The proposed use will occupy an existing vacant office suite within the Intersect Campus, which is in conformance with all applicable development standards. No changes to the existing Campus, building footprint, building square footage, landscaping, driveways, or site circulation are proposed. Staggered student and staff schedules and spread-out arrival and departure times effectively mitigate potential impacts of queuing, circulation, and parking demand to a level of insignificance. Parking and access policies for safe ingress, egress, and pedestrian travel are provided to students and caregivers. Fusion maintains safety through daily sign-in procedures, closed-circuit monitoring, and scheduled emergency drills, including earthquake, fire, shelter-in-place, and evacuation protocols. Based on these operational measures, the proposed educational land use will not be detrimental to public health, safety, or welfare.

- b. Not Injurious to Properties or Improvements: Fusion has an established record of operating in similar Class A office locations without complaints related to parking, circulation, noise, or loitering. The Intersect campus is well-positioned in terms of access, building heights, and setbacks so as not to disturb offsite commercial and residential land uses. The proposed educational land use will be controlled under the auspices of an AUP – much more so than a larger by-right occupancy in the subject suite and one that also utilizes the outdoor recreational amenities. The city and landlord benefit from diverse office park tenants such as Fusion, which reduce peak-hour traffic trips and parking demand otherwise associated with single-use office buildings. For these reasons, the proposed use will not be materially injurious to properties or improvements in the vicinity.
- c. Diverse Office Park Tenancy: Office parks currently attract a variety of tenants – including architects, engineers, tech, gig economy, adult schools, tutoring, commercial schools, trade schools. Diverse tenants are what every prudent landlord seeks to weather economic swings – particularly post Covid when demand for office space has declined. The city benefits from the diverse types of tenants in office parks as a hedge against economic downturns, an opportunity to have local-serving land uses like Fusion, and to reduce peak hour traffic trips and parking demand otherwise associated with mono-use office tenant buildings. For these reasons, the proposed Fusion Academy is compliant with the subject finding.

VI. Resolution 25-1626 – Fusion Academy Airport Tower

Fusion Academy operates at its Airport Tower location as entitled by the subject Resolution approved by the Zoning Administrator on February 26, 2025.

Fusion agrees and acknowledges that the same findings and conditions are applicable to the proposed Flagship location at the Intersect Campus Location. Fusion's land use, environmental, traffic engineering and architecture team looks forward to discussing how the subject Resolution can be appropriately utilized in whole or major part by staff.

See Attached Resolution

GARLAND ASSOCIATES

MEMORANDUM

TO: David Moss, DMA

FROM: Richard Garland, Garland Associates

DATE: November 25, 2025

SUBJECT: Fusion Academy Intersect Location - Irvine
Parking Demand and Development Intensity Value (DIV) Assessment

This memo summarizes the results of an analysis to determine the parking demand and quantify the Development Intensity Value (DIV) ramifications of the proposed Fusion Academy site at the Intersect location at 17875 Von Karman Avenue in Irvine. The analysis is based on the facility occupying 7,437 square feet of space and having 65 students and 30 faculty/staff.

Parking Demand

For 30 faculty/staff and 65 students, the parking demand would be 37 spaces. This is based on the assumption that all 30 faculty/staff members would be on site at the same time and that 10 percent of the students would drive alone and park (7 students). The other students would be dropped off, so parking spaces wouldn't be occupied except maybe for a minute or two. As Fusion is proposing to lease 39 parking spaces at the facility, the parking demand would be satisfied. Given that only HS students may drive, the 7 spaces is 10% of all students and therefore a worst case scenario that is unlikely to occur with a mix of MS and HS students.

The City of Irvine's parking requirement for a commercial school of this size is 52 parking spaces. This is based on a requirement of one space for every three students ($65/3 = 21.67$) and one space for each staff/faculty member (30). If Fusion leased 52 parking spaces at the site, the number of leased parking spaces would exceed the peak parking demand by 15 spaces. The 2023 CUP entitlement for the on-site restaurant concluded that there are 220 non-required spaces available to all tenants. Though the 39 spaces by lease are sufficient to accommodate the maximum demand of 37, there is a substantial cushion by which Fusion can utilize additional spaces without impacting other tenants.

DIV Assessment

An hour-by-hour analysis of arrivals and departures conducted for the Fusion Academy Intersect location indicates that the facility would generate 10 trips during the DIV AM peak hour (7:30 to 8:30), 10 trips during the PM peak hour (5:00 to 6:00), and 306 ADT. As the Fusion facility would occupy 7,437 sq. ft. of space, it has a DIV office budget of 10 AM, 10 PM, and 102 ADT. So the school would not exceed the DIV budget during the AM or PM peak periods, but it would have a net overrun of the DIV budget of 204 ADT.

Traffic Engineering, Transportation Planning, and Parking Studies

16787 Beach Boulevard, #234, Huntington Beach, CA 92647
Telephone: 714-330-8984

ENCLOSURE 3

A summary of the DIV levels is provided in the table below.

Scenario	AM	PM	ADT
Fusion Academy Trips Generated	10	10	306
Office Budget for Fusion Space (7,437 sf)	10	10	102
Fusion Academy DIV Overrun	0	0	204

The DIV rates that were used to calculate the office budget values are as follows:

Land Use	DIV Rates (trips per sq. ft.)		
	AM	PM	ADT
Office	0.00130	0.00138	0.01377

Comparison to Fusion Airport Tower Site

A similar study was conducted for Fusion Academy at the Airport Tower site, which is located at 18881 Von Karman Avenue in Irvine. That facility generated 6 trips during the AM peak, 8 trips during the PM peak, and 196 ADT. The DIV budget for the 5,621 square-foot space in the building was 7 AM, 8 PM, and 77 ADT. So the school's AM and PM trips at the Airport Tower site were within the DIV budget while the ADT had a DIV overage of 119 trips.

As a result of the DIV findings for the Fusion Airport Tower site, the City of Irvine prepared an ADT Waiver based on the findings of a study that quantified the impacts of the additional 119 daily trips on traffic conditions on eight roadway segments adjacent to the project site. The study indicated that the additional daily traffic volumes would not have a significant impact on volume/capacity (V/C) ratios or levels of service (LOS). So an ADT Waiver was issued and a resolution was prepared to approve the school project with the ADT exceeding the DIV budget.

As the ADT DIV overage for the proposed Fusion Academy facility at the Intersect site is 204 trips, a similar ADT Waiver could potentially be prepared for this location if an analysis of the V/C ratios and LOS were to be conducted for the adjacent streets. It is likely that the results would be the same. Similar to the Airport Tower location, the proposed Fusion Academy at the Intersect site is within the DIV budget for the AM and PM peak hours.

Operational Schedule – Students/Staff Traffic – Fusion Intersect Site

Time	Staff		Students		Student Self-Drivers		Total Trips
	In	Out	Drop-offs (In/Out)	Pick-ups (In/Out)	In	Out	
6:45-7:00	1	0	1/1	0/0	0	0	3
7:00-7:30	1	0	0/0	0/0	1	0	2
7:30-8:00	1	0	1/1	0/0	0	0	3
8:00-8:30	1	0	2/2	0/0	0	0	5
8:30-8:35	0	0	0/0	0/0	0	0	0
8:35-9:00	10	0	13/13	0/0	2	0	38
9:00-10:00	4	1	12/12	2/2	2	0	35
10:00-11:00	3	1	10/10	3/3	2	0	32
11:00-12:00	1	3	7/7	3/3	0	0	24
12:00-1:00	0	3	0/0	7/7	0	2	19
1:00-2:00	4	1	5/5	10/10	0	2	37
2:00-3:00	3	3	5/5	6/6	0	0	28
3:00-4:00	1	6	2/2	11/11	0	2	35
4:00-4:40	0	8	0/0	13/13	0	1	35
4:40-4:45	0	0	0/0	0/0	0	0	0
4:45-5:00	0	2	0/0	1/1	0	0	4
5:00-5:30	0	1	0/0	1/1	0	0	3
5:30-6:00	0	1	0/0	1/1	0	0	3
6:00-6:15	0	0	0/0	0/0	0	0	0
Total	30	30	58/58	58/58	7	7	306

DIV – Budget vs. Proposed – Fusion Intersect Site

Period	Fusion Suite DIV Budget	Fusion DIV	DIV Excess
AM Peak	10	10	0
PM Peak	10	10	0
ADT	102	306	204



NOTICE OF EXEMPTION

TO:	<input type="checkbox"/> State of California Office of Planning & Research PO Box 3044 Sacramento, CA 95812-3044	FROM:	City of Irvine Community Development Department PO Box 19575 Irvine, CA 92623-9575 Attn: Michael O'Toole Associate Planner 949-724-6102
<input checked="" type="checkbox"/> County Clerk County of Orange PO Box 238 Santa Ana, CA 92702			
SUBJECT:	Filing of Notice of Exemption in compliance with Section 15062 of the Public Resources Code.		
Project Title; File No:	Administrative Use Permit for Fusion Academy (File No. 00957795-PAUP)		
Project Location: (include County)	17875 Von Karman Avenue, Suite 200 in Planning Area 36 (Irvine Business Complex), in the City of Irvine, County of Orange, CA		
Project Description:	Administrative Use Permit to operate commercial school at 17875 Von Karman Avenue, Suite 200. The applicant proposes to establish the commercial school within an existing office suite. The project includes interior modifications to convert the existing office suite into tutoring spaces, administrative offices, and library/reading rooms. No changes are proposed to the site.		
Approving Public Agency:	City of Irvine Director of Community Development PO Box 19575 Irvine, CA 92623-9575	Approval Date:	January 22, 2026
Resolution No.	N/A		
Project Applicant:	Fusion Education Group 72 Monroe Center Street NW b Grand Rapids, MI 49503 Attn: Mike Van Dinther 616-301-1221 mvandinther@fusionacademy.com		
Exempt Status: (check one)	<input type="checkbox"/> Ministerial (Section 21080(b)(1); 15268) <input type="checkbox"/> Declared Emergency (Section 21080(b)(3); 15269(a)) <input type="checkbox"/> Emergency Project (Section 21080(b)(4); 15269(b)(c)) <input type="checkbox"/> Statutory Exemption: <input checked="" type="checkbox"/> Categorical Exemption: Section 15301, Class 1 Existing Facilities <input type="checkbox"/> General Rule Exemption (Section 15061(b)(3))		
Reasons Why Project Is Exempt:	Project is exempt pursuant to CEQA Guidelines Section 15301 Class 1, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed project to operate a commercial school involves only minor interior modifications.		
Michael O'Toole, Associate Planner Name and Title	<hr/> Signature		<hr/> January 22, 2026 Date