

May 5, 2026

City of Madison Common Council  
c/o City Clerk's Office  
210 Martin Luther King Jr. Boulevard, Room 103  
Madison, Wisconsin 53703

**RE:** Withdrawal of Appeal – Conditional Use Permit, File No. 91512 (5555 Odana Road & 5534 Medical Circle) – Request for Council Consideration of Air Quality Design Standards

Dear Members of the Common Council:

The undersigned appellants hereby withdraw their appeal of the Plan Commission's approval of the Conditional Use Permit for the proposed mixed-use development at 5555 Odana Road and 5534 Medical Circle (File No. 91512, Legistar ID 7799756). We do so as an expression of our commitment to being good neighbors and responsible leaders in this community — for the children we serve and the families who trust us. Part of that leadership is carefully weighing the impact of our choices, including the impact on others beyond our own walls. We recognize that this project affects many more parties than just Montessori Children's House ("MCH") and Bear Development. We never sought to delay or deny this development, and we do not do so now.

We have come to understand that the change we are seeking — meaningful, lasting protection for children in facilities like ours when large-scale development occurs adjacent to them near major roadways — will not come from this appeal. It requires changes at the city level, to Madison's planning and permitting processes. Continuing with the appeal risks bringing undue burden to those we seek to serve, as well as to the surrounding community, without producing the systemic result that would actually protect children in future situations like this one. We want to direct our energy where our impact can be greatest.

This withdrawal does not reflect any diminishment of our concern about the underlying public health issue. The question of how large-scale building design interacts with air quality — particularly in locations adjacent to high-volume roadways and sensitive populations such as young children — is of significant and lasting importance. We raise it here not to obstruct development, but to urge the City of Madison to take concrete steps toward incorporating these considerations into its planning and permitting processes going forward.

We respectfully request that the Council permit Dr. Victoria Williams, PhD, a researcher at the University of Wisconsin-Madison with published expertise in air pollution exposure and adverse health outcomes, to present (at a future time) on this issue. Dr. Williams has testified at both the Urban Design Commission and Plan Commission, and submitted written comments to the Common Council. Her testimony speaks not to opposition to this specific project, but to the broader, well-documented body of research demonstrating that building height, massing, and configuration in proximity to major

roadways can significantly alter local air pollution dynamics — creating street canyon effects that trap traffic-related air pollutants (TRAPs) at ground level, directly in the breathing zone of children. She has been working in connection with health and environmental organizations and we welcome the opportunity to coordinate with the City to bring greater awareness to the importance of this issue.

### **The Issue Is Not Unique to This Project**

The concern raised in this proceeding — that large-scale buildings constructed adjacent to playgrounds, childcare facilities, or other sensitive-population land uses, in close proximity to major roadways, can create localized pollution hazards — is recognized and addressed in planning practice across many U.S. and international jurisdictions. For example:

- **California's Air Resources Board Air Quality and Land Use Handbook** identifies a zone of elevated pollution exposure within approximately 500 feet of major roadways and explicitly designates schools, daycare centers, and similar sensitive uses as particularly vulnerable. California planning commissions routinely require health risk assessments, air dispersion modeling, and design modifications — including increased setbacks, building orientation changes, and height adjustments — as conditions of approval for projects meeting this profile.
- **The Greater London Authority and Environmental Protection UK** require Air Quality Assessments for projects that may create street canyon conditions, and commonly require buildings to step down in height, increase spacing, or reconfigure layouts to improve airflow and reduce pollutant accumulation near sensitive receptors.
- **The City of Vancouver** incorporates “ventilation corridor” planning into its development review process, requiring building design to maintain air movement and prevent pollutant accumulation in densely developed areas near transportation corridors.
- **Multiple jurisdictions in the Los Angeles region**, including the South Coast Air Quality Management District, have established increased setback requirements and site-specific exposure analysis requirements for developments adjacent to freeways where sensitive populations are present, with documented outcomes that include remand or redesign of projects that failed to meet protective standards.

Madison currently lacks a formal mechanism within its permitting and conditional use review process to evaluate these risks when large-scale buildings are proposed adjacent to playgrounds, childcare facilities, or other sensitive-population uses near high-volume roadways. This gap is not hypothetical. The Beltline corridor — one of the highest-volume roadway segments in the Madison metropolitan area and a known continuous source of diesel particulate matter, nitrogen oxides, and other TRAPs — runs through areas that are increasingly attracting multi-story mixed-use development. The MCH site at Medical Circle is one example, but it will not be the last.

To illustrate the ongoing relevance of this concern: the MCH property currently has large development proposed on two sides. Were a similarly scaled building to be constructed on any remaining adjacent side of the MCH property in the future, the corridor between those structures would create precisely the kind of canyon geometry most associated with pollutant trapping and recirculation at ground level. The potential for additional development in this immediate area makes the establishment of clear standards not merely advisable but necessary.

We also ask that the City keep Montessori Children's House and this issue in mind throughout the remaining permitting and code review processes for this project. As conditions of approval are finalized and building plans are reviewed, we ask that the City not only ensure that details with direct air quality consequences for the school are not overlooked, but also that where options exist within those processes that could affirmatively promote the health and safety of the children at MCH, the City actively consider exercising them. For example, we ask that the City confirm that parking garage ventilation and HVAC exhaust systems for both buildings are not directed toward MCH or its playground — and where design choices remain open, that options which direct exhaust away from the school and its children be actively favored. These are precisely the kinds of specific, preventable harms — and meaningful protections — that depend on the City bringing this lens to every stage of review.

### **A Request for Policy Action**

We respectfully urge the Common Council to direct the appropriate City staff and commissions to evaluate whether Madison's current permitting and conditional use review processes adequately address air quality impacts arising from building design and configuration near major roadways, particularly where sensitive populations are located nearby. Specifically, we ask the Council to consider:

- Establishing a requirement for site-specific air dispersion modeling or canyon-effect analysis when large-scale buildings are proposed adjacent to playgrounds, childcare facilities, schools, or other sensitive-population uses within approximately 500 feet of a major roadway or highway;
- Incorporating increased setback standards for large-scale buildings proposed adjacent to such uses in these contexts, consistent with the body of practice described above; and
- Directing that building configuration — including height, massing, and orientation relative to wind patterns and pollution sources — be treated as a material consideration in conditional use review under the applicable standards of MGO §28.183(6)(a), rather than a neutral design feature.

The children served by Montessori Children's House cannot advocate for themselves before this Council. We withdraw this appeal as an act of stewardship — of our school, our community, and the broader public interest — with the sincere hope that the City will take up the policy question this proceeding has raised, in earnest and without delay. We look forward to continuing this conversation where we believe our efforts can make the most lasting difference.

We thank the Council for its time and service to our community.

Respectfully submitted,

Montessori Children's House

X *Jim Lottridge*  
Jim Lottridge (May 5, 2026 12:21:48 CDT)

Lead Appellant / Authorized Representative

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Date: May 5, 2026






# MCH\_Appeal\_Withdrawal\_Letter\_FINAL 050526

Final Audit Report

2026-05-05

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