



PREPARED FOR THE URBAN DESIGN COMMISSION

Project Address: 131 W Wilson Street

Application Type: Modifications to a Previously Approved Mixed-Use Building in the UMX District to Add Architectural Accent Lighting
UDC is an Approving Body

Legistar File ID #: [79549](#)

Prepared By: Jessica Vaughn, AICP, UDC Secretary

Background Information

Applicant | Contact: Kirk Keller, Plunkett Raysich Architects, LLP | The Moment Residences, LLC

Project Description: The applicant is proposing to add architectural accent lighting to the east and west facades of the building, as well as at the top, under the soffit of the roof cornice feature.

Project Schedule:

- The UDC granted Final Approval of the subject project on April 26, 2023. This approval did not include architectural lighting as noted in the Commission’s action. In addition, staff noted that the addition of architectural lighting would be considered a major alteration to the previous approval and would therefore also require Plan Commission review and approval (Legistar file [73562](#)).
- The Plan Commission conditionally approved the proposed building at their January 9, 2023, meeting. Architectural lighting was not included as part of this approval (Legistar file [74542](#)).
- The UDC granted Initial Approval with conditions of the proposed lighting on September 6, 2023.
- The Plan Commission, at their September 18, 2023 meeting, referred this item back to the UDC for final approval (Legistar file [79018](#)).

Approval Standards: Pursuant to MGO, Section [28.076\(4\)\(b\)](#): *“All new buildings and additions that are less than twenty-thousand (20,000) square feet and are not approved pursuant to (a) above, as well as all major exterior alterations to any building shall be approved by the Urban Design Commission based on the design standards in [Sec. 28.071\(3\)](#), if applicable, and the Downtown Urban Design Guidelines.”*

At the September 6, 2023, UDC meeting, the Commission granted Initial Approval of this item with conditions that generally spoke to modifying the proposed light fixtures to meet cutoff requirements, as outlined below. The Commission’s subsequent review and continued evaluation of this item should focus on whether those conditions have been addressed.

Design-Related Plan Recommendations: The project site is located within the [Downtown Plan](#) planning area. As such development on the project site is subject to the Downtown Urban Design Guidelines. Generally, the intent of guidelines is to create interest and a safe welcoming environment and recognize that the right amount of lighting and appropriate fixtures can reinforce architectural features, structural elements or windows, however excessive lighting or inappropriate fixtures can also detract from the desired ambience and create glare.

More specifically, with regard to lighting, the Downtown Urban Design Guidelines state:

- Full cut-off fixtures should be used. Lighting should not spill into the sky, encroach on neighboring properties, nor cause excessive glare.

- The lighting on the top of a building should not compete with the view of the Capitol dome in views of the skyline.
- Exterior Lighting to accentuate building architecture and landscaping should not be excessive in either amount of intensity.
- Building-mounted fixtures should be compatible with the building facades.

Summary of Design Considerations

The applicant is proposing two architectural accent light fixtures; one to be mounted to the underside of the soffit of the 15th floor (Fixture L-3), and one running the vertical length of the building on both the lake and Wilson Street facades (Fixture L-4). As noted in the applicant's submittal materials, both fixtures have been modified to address the Commission's Initial Approval conditions, which are enumerated below. As a Final Approval request, the Commission's review is limited to evaluating whether the conditions of approval have been met.

1. Fixture L3, lighting the top of the building finding that it is consistent with the Downtown Design Guidelines, granted that a cap (U shaped mounting versus J shaped mounting) is added to prevent direct view of the fixture.

Staff notes that while a "hook" was added to the mounting bracket of this fixture, the "hook" needs to be extended slightly to meet cut-off requirements as it is not clear that the top of the fixture is being cut-off. Once updated, staff believes this fixture will meet cut-off requirements.

2. Fixture L4 shall be modified to be compliant with cutoff requirements.

Staff believes that the modifications made to this fixture are consistent with code requirements for cut-off given the orientation of the fixture and light sources within the cabinet, and the resulting effect of the light washing the wall.

Staff notes that as part of the Commission's continued review of Fixture L-4, consideration should be given to the Downtown Urban Design Guidelines, including those that generally speak to the purpose and intent of lighting, i.e. lighting architectural features, integration/compatibility with the building façade, etc. While staff believes that the modifications of this fixture result in a fixture that can be found to be consistent with the Downtown Urban Design Guidelines, staff recommends that UDC include findings related to Fixture L-4 as part of their final action.

Summary of UDC Initial Approval Comments and Action

As a reference, the Commission's comments and action from the September 6, 2023, Initial Approval are provided below.

The Commission had the following questions for staff and the development team:

- Fixture L3 doesn't fit within the current code, but they're willing to make the adjustment, that sounds taken care of. Fixture L4, there is a frosted sheet, so there is not a direct light; we're not looking at the fixture?
 - (M. Tucker) Correct, it's coming through a frosted shield.
- That is still a problem?
 - Yes, code requires a full cut off if you have over 500 lumens in the balance; they're at 250 lumens per foot.
- What would be different from this and the Galaxie blue lights? What's the difference in fixtures?

- (M. Tucker) I can share pictures where you see the Galaxie blue lights from across the lake because they're so prominent. We tried to find the records on those lights and figure out how they were approved; we were unable to find the records on that as building plans are destroyed after three years. People like them or hate them. We get a fair number of complaints, people have left the building because they are so bright. The Constellation may also have a line of lights; I don't have a great answer, but that is not considered to be in the greater downtown area. Often that area is an extension of the downtown, but not part of the greater downtown area.
- I am more struck by the top lighting. Living underneath it you'd always have that on during the night. Do we have other examples of other buildings being lit that way? I do appreciate Matt pointing out the blue lights, I like it, but I know a lot of people don't. I can see the lines along the building from top to bottom, they don't bother me as much but it sounds like its precedent making so I'm willing to hear how we can deal with that.
 - I mentioned the light strips are dimmable, we'll have to play with them once it's installed. We don't want to be a nuisance at all, we'll have to play with that at night with how bright they are and what makes best sense.
 - There's technology built into the top floor of this building. There's a vertical wall, the light is a glow going out, and all units come with a roller shade arrangement to provide a uniform look across the building. There is no bounce back into the units at this time, especially since the light is shielded completely from underneath. With technology moving quickly on lighting we very much want to work with City staff to say this works. We want to find that balance and let it be the statement that other people move toward as they have major components to add to the skyline.
- Matt mentioned the future dark sky changes, we can't really apply them because they aren't formal. What do we know about that now that would be the no-go for this building if those were in place? The totality, certain types of lights?
- (M. Tucker) The resolution in support? I'll forward it to you. Last summer they passed the resolution with a bunch of different angles. One thing that happened at the same time, the Council also reduced the lumen count by which full cut offs are required for light fixtures because flood lights in neighborhoods were emitting light and filling areas as such that it was deemed to be light pollution. The totality of lighting in a community, you see the hue of lights that come forward, and while much of it is necessary for safety and design of community, there is also a sensitivity to avoid over-lighting, reduce unnecessary lighting such as the work we have done with our sign code to require dark or non-illuminated backgrounds. The resolution is not a law, all it said is we want to be like this; a city that is sensitive to the light that we emit. To that end when ordinances come forward, it will be next to the discussion. There are folks that have concerns about the maximum low we allow at loading docks for safety of employees. It's just part of the conversation any time we're talking about requests for lighting. There's no direction here, this is a new thing that we are doing.
- (Secretary) A fairly recent project that was approved was the hotel in Judge Doyle Square. That had horizontal light bars on the vertical end walls of the Doty and Wilson elevations. The mounting fixture of that light bar is fully cut off based on how they were mounted to the building. That is very different than what we're seeing here, the light on those was not only fully cut off but bounced down the wall. This is designed to project its light out to the viewer versus washing the wall of a building or accentuating the architectural features, which is what the top light is doing. There is an embellished eave overhang. It gives it a glowing appearance, versus light fixtures that are pointed outwards at the intended viewer. It's a little bit of a different scenario. It's about how fixtures are mounted and oriented.
- In fairness to the applicant, what is the plan with the Capitol night lighting in context of this pursuit of a dark city?
- (M. Tucker) The Capitol is our feature, our marquee, it's on our logo. We have no regulation over the Capitol, if the State decided to light it, not light it, they have full authority; no Madison general ordinance applies to the Capitol.

- Would our application for dark sky pursuit be impacted by that?
- (M. Tucker) I've been peeling back the onion on the application for dark sky certification. We have entities like the State of Wisconsin, the University of Wisconsin that are exempt from our lighting requirements and it puts us in a point of dilemma; we're going to ask them to change their program. We'll do everything we can but we need to be given credit where it's due and recognize there are some things we can't change.
- Does this light change color or tone or hue? Does it have the ability to?
 - Most LEDs do, we would lock this in agreement with the City. It would not be movable, we'd work with you on fixing what is appropriate. Technology does allow all those things you mentioned, but we're standing up here and saying no, the intent is to accentuate the architecture and that is it. We are not going to turn it green on St. Patrick's Day.
- The L4 vertical fixture in the middle of the building, there's a depth to that middle opaque architectural element, have you studied bouncing this L4 light off of that depth of that element versus what you've proposed?
 - Yes and no. The yes part is I'm always cognizant of maintenance of a building, creating spots for nests bees and such. The decision was to integrate it into the form and set it back enough, so it's a tiny, tiny light source, more of a glowing lens than a light source. It does point outward but you would never be able to tell that, it's just a glow. And that's the intent.
- It seems to me there's also a daytime impact by this system. It's relatively thin but I remember discussions before, talking about the busyness of this façade. You do have this line introduced that maybe is a little more noticeable now. Can you speak to the segmentation of these fixtures, and if there's a failure, how big an area is that gap in the teeth of the light fixture until that segment is repaired? How many segments are there in actuality?
 - We can always turn off the light until the fixture is fixed up. There are 2 inch between lap segments.
- Some of the lighting is already on here, Monona Terrace is bouncing off architectural features, I wanted to piggy back to point that out. That's a different kind of lighting than what's being proposed here. You'll remember a high-rise apartment project on John Nolen Drive that had a beacon, there was quite a reaction to that even having a glowing mass on top of a building at all. And that was on the other side of the lake nowhere near the Capitol. I want to encourage us as a Commission that the Capitol is clearly our golden symbol of the city, we already have trouble competing on the Capitol other side of the lake with just a glowing beacon. If we weren't comfortable with that I don't understand how we'd be comfortable with this. I'd also debate not having a skyline at night, I think we do, and large part of that is all the individual lights from offices and units. It doesn't have to be a permanent light all night to make a skyline. I would argue that we already have a lot of lights going on. These vertical ones aren't going to make or break the success of this building. The Capitol is bright, it is heavily maintained, paid attention to and guaranteed the lighting is working well. To say these lights are dimmable is a little unsettling; dimmable. Maybe now, but 10 years from now they aren't paying as much attention, I don't know that necessarily puts all concerns to rest by saying that it is dimmable. I would suggest the designers could consider a halo effect like we see on signage.
- To clarify what is permissible by code and what isn't. On L4, if that fixture was three inches wider and turned the fixture 90 degrees so it was facing to the left and not shining outward, it would create a slot with an indirect fixture. Is that right?
- (M. Tucker) Yeah, if they could do that it might end up with a similar situation.
- Turn the fixture 90 degrees, have your four inch slot just a slot, but the fixture just illuminates the slot instead of shining outward. Then you might have something that is approvable.
 - Point taken, glad to look at it, you can make that a condition to come back to staff for approval. Glad to.
- If there was an entry canopy with can lights shining down and we could see that from the street, that's approvable because it's shining toward the ground and not outward?

- (M. Tucker) Actually no, they need to be fully cut off. Think of a gas station, you'll see the fully shielded cans that are inset up into the canopy. The light comes down but the source is fully shielded. They just need to be full cut off shielded from the property line.
- According to the staff report, if there is some way to approve any of this, it has to be a very specific finding. This will be precedent setting. So we want to be very clear on any recommendations and motions we make as it applies potentially to other projects.
- (M. Tucker) To add a little bit about the dimming. I appreciate Jessica bringing this up. Although I'm appreciative of the development team for offering to dim or calibrate the lights. The reality is it's the best action of the City to accept the lights as designed. If people do choose to operate them differently, there's not an opportunity to re-litigate this if you will. We want you to think of this as if it is approvable in the highest level of light that is possible coming out of the fixture, and if they have chosen a lesser amount, that is their choice.

The Commission discussed the following:

- I think as we deliberate, it's clearly approvable because it's not illegal based on the code. There's almost a greater thing here, we as a city, we have to decide what we want to be. We want new design and modern structures, more dense areas, more apartments, but we don't want height. We want density but we don't want light. We're conflicting with ourselves. We want to attract this younger population to downtown. We are talking about downtown. This is the most dense, populated active area but we want it to be a dark sky. Forward thinking architecture and high design, but we don't want lights to accentuate it. We're battling ourselves, it's not fair to architects like myself who are trying to give you something that is current and up-to-date. With all these ancient older regulations we're holding on to. Nothing about what they are proposing does a disservice to this building or the downtown area. Code says something has to be covered, they said they'll cover it. There's nothing wrong with fixture L4, it's shielded, and it highlights the area. Going back to the picture, that's not a skyline, that's darkness in the most active area of the city. We need more architecture that starts to bring a sense of life to this area where we have all these things happening; rapid transit, and innovative things happening, but we are holding on to these old ordinances. I think this picture without that building is sad. I wish other buildings could do that, it doesn't take away from the skyline, it adds to it and supports the Capitol so it's not just this random glowing thing surrounded by darkness at the same level. This project and these lights, they should set a precedent going forward and I am in full support.

A motion was made by Knudson, to approve Fixture L3 lighting the top of the building, finding that it is consistent with the Downtown Guidelines, granted that the cap is added to prevent direct view of the fixture, and that the L4 lighting fixture is not consistent with the Downtown Guidelines and not be approved. The motion was seconded by Bernau.

Discussion on the motion:

- Clarify that the motion is partial approval, the motion needs to be made to pass, is that affirmative enough?
- (Secretary) Yes, the motion is affirmative enough as it indicates support for one but not support for the other.
- I don't know that that's completely accurate information. If it was not allowed we wouldn't be talking about it. We're talking about it because it can be allowed.
- It is a grey area that can be approved, however, just a cursory approval may be inviting a little bit of a slippery slope in future projects.
- Which is fine, I don't want to put that out there that this is not allowed. This is fully within our availability to approve, I want to make that clear.

- (Secretary) To clarify, my understanding of the lighting ordinance is that Fixture L4 as designed is not consistent with the code and we cannot outright approve it. In order for this fixture to move forward, they would need to go to the Building Board for a variance, or modify the design of the fixture so it meets the cut off requirements.
- This is not a place to permit any kind of a variance on the ordinance.
- (Secretary) Yes. The motion takes a different shape. We can talk about conditions related to the design of Fixture L4 and how it's mounted, designed, oriented. We can also think about conditioning the Commission's approval of Fixture L4 on obtaining approval from both the Building Board for the variance as well as Plan Commission, but as designed it is not a standalone approval.
- What is different in fixture L3?
- (Secretary) They can make an easy modification to use a U shaped hook versus the J shape to fully cut off the light source. The frosted covering is a diffuser, it's not a cut off fixture.
- From my understanding the reason we're proposing an L Shape Fixture L3 is because it's flat out against the ordinance.
- (Secretary) Yes, Fixture L3 as designed is not code compliant. Staff believes and the applicant agrees that they can make it compliant if they change this mounting bracket to a U shaped hook to cut off the fixture from light shining down over this edge. Having a lip here will mean the light is purely projected up into the eave and be a fully cut off fixture. The development team is amendable to using the U shaped fixture versus the J shaped hook. It's an easy fix to get this to comply with code. Fixture L4 is another story, they have a frosted covering which is diffusing the light but it is by no means cutting off the fixture.
- How much of that is interpretation?
- (Secretary) I would ask Matt that question. The code is very clear about what cut off elements are, frosting is not considered cut off.
- (M. Tucker) Yes, we met with Shannon Davis in Building Inspection, who reviews all lighting. These types of fixtures are treated as one because there's no way to separate them individually in their design and function. She is ultimately responsible for interpretation. The lumen accumulation will result in the requirement for full cut off.
- We did discuss an alternative that would turn the fixture 90 degrees, that wouldn't really change the motion as I understand it because the motion is that as designed it's not approvable, but that does not preclude them from reorienting the direction of the light so that it is cut off. I don't know it would even have to come back to us if it complied in the eyes of Building Inspection.
- I try to always think about how to move things along. Instead of the motion the way it is, could it be separated? To approve L3 and not L4, instead of sending it off to levels of bureaucracy we won't see again. We want to support well done architectural lighting, if it complies with code, but it doesn't quite yet and maybe it could if we can separate it?
- I think the motion separated L3 from L4 certainly.
- But L4 isn't consistent, it's done, it's not approved.
- As designed. They could have little decorative lights three feet apart under the lumen count in a series of little dots instead of a strip. They could do what I suggested or any number of other things to back light it and bring it into compliance. But we can't review any of those.
- I just don't see the way it's proposed that it gives them room to do that. It seems to me we say no to one and yes to the other, not like yes you could tweak it.
- (Secretary) From a process standpoint, first of all we have a motion we have to entertain amending that motion or modifying that motion. For cleanliness, if we're going to entertain Fixture L4 we need to be really specific if we are going to entertain an approval motion for what needs to be done to that fixture to make it code compliant, and we need to keep the two together. I do not think we can send L3 onward and hold back L4, if we are going to redesign fixture L4, we might as well put the whole package together and see it again, the two need to stay together. I think it is possible to come up with conditions

too, where if the Commission is comfortable it could be done at an administrative level, but we do have an active motion we need to contend with.

- Is the intent of the motion absolutely to prohibit a strip of light, or just acknowledging the fixture (Fixture L4) is not approvable as designed?
- The intention behind my motion is Fixture L3 celebrates something architecturally good about this building, the overhang is quite beautiful, it is an architectural feature that I believe should be celebrated once we get it to comply with the code. I don't believe two vertical slots on this building is something worth celebrating. I think there's a cheapness to that proposed design idea. I think we're sending the wrong message of architecture downtown if we think we can just put a strip of light somewhere and call it urban architecture. I'm moving that we just do not consider further Fixture L4, so I'm not really able to accommodate some of the friendly amendments given.
- I agree with Alder Rummel, it just kills it. I don't understand, I'm so confused on what's happening here. I agree with what Jessica said, it needs to be a clean thing, if we're not going to approve this thing that has absolutely nothing wrong with it, I wouldn't call it cheap or anything else, we should make allowances. If this doesn't work then your suggestion is the best second option there is, just turn it 90 degrees and let it illuminate the channel. We're trying to dictate the design of somebody else building, we are trying to make things fit within some parameters, however good or bad they may be, but I don't think we just say no and that's the end of it.
- This is great, we have discussion and we have individual opinions and I think now we are going to have to put it to a vote. Now that we are clear on the motion, it has been seconded. I see that Christian raised his hand first and before we vote he can speak on his hand raising.
- I thought I was on the same page as Russell, but my concern is now I'm thinking he is not in favor of the racing stripes at all. Whereas I initially thought the motion was to approve Fixture L3 with the change in the mounting for a full cut off and that Fixture L4 was unacceptable in its current form, but we were giving the developers a chance to come back with an alternative that complied fully with the code and left it somewhat open to what that solution might be. I am assuming that they will consult with their lighting designer on what would be amenable, and from a strictly aesthetic standpoint, I think that is a good thing because frankly just the bold straight line down the side of the building is much less attractive than a similar line that had soft edges as was a diffused light. Let's give them a chance, they seemed amenable to that. We're taking care of Fixture L3 and giving them a chance to make Fixture L4 compliant, and if they can't then it's a different story, but I have a feeling they're going to come up with something that is. In the general sense I think I agree that having some tasteful architectural lighting is a big part of modern architecture and while I am a big proponent of dark sky ordinances, there's room for both and there needs to be reasonable compromises and letting this go forward is a good example of that compromise. Before we vote I want clarification on what exactly the motion is implying as far as Fixture L4.
- My interpretation of the motion and after Russell's explanation is that it is an advisory recommendation to modify Fixture L3 and prohibit the strip lighting of Fixture L4 on the façade. Is that correct?
- (Secretary) That is primarily correct, except in this case the UDC is an approving body, so we're not making an advisory recommendation. We are approving because this is in the UMX zone district and it is a major modification. The Plan Commission is also approving as a major alteration to a conditional use. We're looking at this purely as a design aspect, and the Plan Commission looks at the conditional use on their end.
- They always seem to have the ability to override our recommendations or our motions, right?
- (Secretary) They will be looking at this from more of the policy standpoint and land use perspective, mitigating adverse impacts, whereas we are looking at it from purely a design perspective.
- I'm still confused. Fixture L3 doesn't work unless they do something. So we are saying that we will approve that, but you have to do something. Right now, Fixture L4 is ever going to work. Can we put a friendly amendment saying Fixture L4 is approvable but you need to meet conditions, like we are doing

with L3? If we aren't, then I want to tell Russell why I would vote against this. I want to give them the chance to provide that same kind of light in a different condition. That would be a friendly amendment?

- Russell clarified the motion and intent and it was seconded, and it is not gospel until we vote it up or down. Are we interpreting your intent correctly?
- I am trying to use clean, strong language. Something Jess that said makes a lot of sense to me; we're either going to see the whole package again, to see the relationship between Fixture L3 and L4, particularly if some conditions to fixture L3 have impacts. If we do change L4, don't we want to see how L3 and L4 relate as we are doing to night? Yes, I feel that my motion is intended to move forward with L3 and a prohibition of L4. I am not seeing it meeting the downtown design guidelines and so, that is my motion. I think we are not comfortable with that aren't we just asking to see this back again?
- Being process oriented, someone could amend that motion. Obviously Russell isn't taking anything as friendly, but the body could amend the existing motion, or we could reject it and start over again. That's what I see as our options.
- Right, going back to Robert's Rules, like Alder Rummel noted, we could vote on the motion or we could have a motion to amend the main motion?
- (Secretary) Yes, with the Commission voting on the amendment. It might just be cleaner to take action on the motion on the floor and have someone make a new motion, which would be cleaner for the record.
- Right. This is a motion that would not prohibit them from ever coming back with alternative designs as well.
- (Secretary) I believe it would with Russell's findings that Fixture L4 it is not consistent with the Downtown Design Guidelines and how there is not an architectural feature. So yes, it would prohibit them from coming back.
- We have been at this for far too long. I'm going to make a motion that we treat Fixture L4 the same way we are treating Fixture L3. Fixture L3 currently is not acceptable to the current lighting code, but we are offering an alternative to bring it into compliance, and I want to offer the same option for Fixture L4.

A motion to amend the main motion was made by Asad, to allow for modifications to Fixture L4 so that it complies with cut off requirements, similar to Fixture L3. The motion was seconded by Klehr.

Discussion on the motion to amend the main motion:

- (Secretary) To clarify, we're just amending the motion, do you want to see it again? Right now nothing is coming back to you.
- We could see it again if that's the will of the body but we could also give suggestions to just turn the fixture. They were open to that. If that is the case, I think that's administrative and I'm fine with that unless the Commission wants to see it again, and I'm fine with that too.
- (Secretary) To clarify, the motion to amend the motion to modify Fixture L4, which is where we need to be specific if we are not going to see it again – so is that motion to turn the fixture 90 degrees to illuminate the channel?
- I don't want to dictate the design, I just want to give opportunity to bring it into compliance. If we do want to have them bring it into whatever is currently allowed, whether that's turning it 90 degrees, or being creative, or whatever else, I don't know.
- A friendly amendment to your amendment might be for it to just come back.
- (Secretary) Then we're looking at an amended motion for referral to come back - do we want to refer both of them or just Fixture L4? This is where it gets really complicated. Motion to amend for Initial Approval and have things come back for Final Approval?
- Works for me.
- We have a motion for amendment, we have a second on that. The amendment to the motion is for Initial Approval, with Fixture L3 conditionally approved with modifications and Fixture L4 to come back.

- (Secretary) If you are making changes to both fixtures, they might as well both come back and keep it as one package.
- Do we vote on the motion to amend and the main motion again, as amended?
- (Secretary) Yes, amendment to the motion first, then the whole thing.
- Remember, it did not take us this long to approve the building in this first place.

The motion by Asad, seconded by Klehr, to amend the main motion passed on a vote of (5-1-1) with Rummel, Asad, Knudson, Harper, and Klehr voting yes; Bernau voting no; and the Chair non-voting.

Action

On a motion by Knudson, seconded by Bernau, the Urban Design Commission **GRANTED INITIAL APPROVAL** with the conditions and findings as noted below.

3. Fixture L3, lighting the top of the building finding that it is consistent with the Downtown Design Guidelines, granted that a cap (U shaped mounting versus J shaped mounting) is added to prevent direct view of the fixture,
4. Fixture L4 is modified to be compliant with cutoff requirements, and
5. Both fixtures shall return to the Commission for Final Approval.

The motion was passed on a vote of (5-1-1) with Rummel, Asad, Knudson, Harper, and Klehr voting yes; Bernau voting no; and the Chair non-voting.