

November 22, 2012

To: Mark Woulf, Ald. Maniaci, and member of the ALRC

Re: Excess noise and vibrations coming from the Whiskey Jacks Bar located at 552 State Street.

We are writing again to express our concerns with the loud noise and excessive vibration coming from Whiskey Jacks. At the June 2012 ALRC meeting the committee asked us to come back to the November ALRC meeting with a status report of the noise and vibrations levels.

We have tried to work with Whiskey Jacks to reduce the sound and Whiskey Jacks have tried to work with us. There was a period right after the first ALRC meeting when the bar did turn down the volume a little, but it didn't take long for the volume to go back to the previous levels.

In July, in an effort to work together, we established a phone line that went directly into the DJ booth so our residents could text or email the bar if the noise was too high. We were hopeful and did this on several occasions; however none of our requests resulted in Whiskey Jacks turning down the music.

From July to September residents would call me and I would text the DJ booth and tell them the music was too loud. Residents did not text the booth directly because only a few have phones with texting capacity or computers. Some tenants also expressed fear of retaliation and many have resigned themselves to live with this hardship and because they cannot afford to live elsewhere.

Several have not resigned themselves to live with it and have moved out; I have included one email from a young woman who only after a week of living with us decided she could not tolerate the noise levels, even after she was told before she moved in that she would be moving in above a bar. **See Resident Move Out Letter.**

I have also included a partial log of the resident manager who continues to record the excessive and unbearable noise levels. **See Partial Noise Log**

The owners of the building, Gus and Mary Paras, have been compelled to take action and have introduced new rules and regulation relating to the use of the premise. The noise and vibrations from the bar are considered a nuisance and Whiskey Jacks has been given the opportunity to once again control the noise levels coming from the bar and follow new rules and regulations that were delivered to the bar on October 23, 2012. **See Letter to Whiskey Jacks**

Since the time Whiskey Jacks received the letter, there has been no effort on their part to turn the volume down. As evidence of that, and to further make the case, we hired a sound consultant to record the sound levels coming from the bar. We positioned two monitors in the resident manager room for two nights, Friday November 9<sup>th</sup> and Saturday November 10<sup>th</sup>. Please see **Sounding Reading-Nov 9 and Sound Reading-Nov 10.**

These readings are significantly higher than the reading provided to us by Whiskey Jacks as indicated in the Band Upstairs column of their report. **See Sound Readings by Whiskey Jacks.**

Sound consultant Buzz Kemper's report states that the sound arriving at in the apartments is within the 80-90 decibel range, "C" weighted which is a more true measure of the vibrations emanating from the bar. In comparison, also within that range is a freight train at 15 yards, a propeller plane at 1000 feet and a diesel truck at 50 feet. All unacceptable levels for someone's living space. ***See Audio for the Arts report.***

Furthermore, as stated in The City of Madison General Ordinance Section 23.04:

*(2) Is shall be unlawful for any person, firm, corporation, or other entity occupying or having charge of any building or premise, or any par thereof, to cause, suffer or allow any loud excessive or unusual noise in the operation of any radio, stereo or others mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity.*

*Our tenants are suffering loud excessive and unusual noises; which are caused by the operation of stereos and other mechanical and electric devices in the charge of Whiskey Jack, of a nature that is completely unreasonable and it has disrupted the comfort, quiet and repose of the persons living in the vicinity.*

We are asking the ALRC to recommend that Whiskey Jacks' cabaret license be suspended until it has proven that they have either installed sound proofing mitigation measures at their own expense to reduce the transfer of sound to a reasonable level or that they are required "earn" their cabaret license back at some point in the future- after they have demonstrated in good faith that they can keep the sound levels down to a level that is reasonable and which is in accordance with the new rules and regulations; to a level that can be tolerated by all the tenants in the building.

We thank you all for the time you have given to reading this letter and to our concern.

Respectfully,

Victor Villacrez