

PLAN B
924 Williamson Street, Madison, WI 53703
(608) 257-5262

May 15, 2013

Alcohol License Review Committee
City of Madison
215 Martin Luther King Jr Blvd
Madison, WI 53703

RE: Status Review and Update from Plan B

Dear Members of the ALRC:

Plan B opened its doors in August of 2009 in hopes of providing a safe, fun environment for the LGBTQA community and the neighborhood. Since opening its doors, Plan B has known that it planted its roots in a unique mixed used that there would be growing pains, and have done our best to address issues as they have come up.

Plan B has become a vital member of the neighborhood. We have been a significant supporter to the local Marquette Neighborhood(MNA) festivals, donating more than \$10,000 in the last 3 years alone. In addition, Plan B has been involved in many community projects that benefit members of the Madison community in and out of the neighborhood. Plan B has given to other organizations and provided services. These organizations include Planned Parenthood, Domestic Abuse Intervention Services, UW LGBT Campus center, UW Student Health Service, AIDS Network, Fair Wisconsin, LGBT Chamber of Commerce, Out Professional Executive Network, Outreach Community Center, and The Luke House. We have become an active force and meaningful contributor in the community.

A few months after opening, Plan B became aware that certain neighbors were having problems with the site's change from what was once a low traffic, day operated retail storefront (Star Photo) to a nightclub. The primary concerns have been parking, crowd noise, and bass noise. Plan B agreed to work on solving these problems and has been largely successful at doing so.

- To solve the parking issue, Plan B has developed working relationships with other property owners that allow Plan B customers to use other parking lots. This has alleviated the issue related to on-street parking.
- The next concern came from the property directly next to Plan B's parking lot. The property owner was concerned with the impact to his property with cars' headlights and patron noise. Plan B agreed to build a six-foot privacy fence without any financial contribution from the neighboring landowner.

- To alleviate the crowd noise, Plan B built a 12 foot tall enclosure in and around the smoking area in the rear of the building. This was constructed to direct noise away from the Williamson St. At the same time, Plan B installed a new back door and adjusted the swing opposite Williamson St. to direct music and bass away from affected parties.

Concerns over the bass noise have persisted for a small group. The bass issue has not been an easy fix, nor has it been easy defining what is an acceptable measure or variable. Plan B has, as city testing confirmed on multiple occasions, been within the city ordinance for noise decibel levels (see attached report). Despite this solid evidence that noise was under control, Plan B continued to try to address a problem raised by a very specific and small affected area that involved just a few neighbors. In the months which followed, discussions continued and resulted in Plan B installing bass traps which are made of dense material hung along the walls to trap bass noise. Plan B also installed a limiter, which limits low bass frequencies from the actual music itself. Despite these good faith efforts, the same three neighboring households continued to raise objections.

In subsequent months, additional sound studies were completed. Both studies were conducted at Plan B's expense. (See additional attached.) Both had similar findings, but offered different solutions. ***The consensus was that the measureable bass coming from Plan B was typically not something that was perceived as noise disturbance, and fell well below the acceptable level as defined by the City of Madison and most other city codes.***

Despite learning this information, Plan B, again at its own cost, installed the recommended solution of one study by installing multiple layers of drywall and mineral wool inside the dance floor on the underside of the roof. This was completed in December of 2012. (See attached pictures.) Sometime after completion it was clear that the three neighbors were still not satisfied with this effort by Plan B. This group started making police calls again.

It was because of the request of the ALRC in February 2013 that Plan B continued dialogue with the three neighboring households, the Alder, and other representatives. We kept working toward a mutual solution. Mark Woulf was the designated organizer and mediator during these meetings. Even with his guidance, tempers flared.

Plan B responded in a timely manner to Mark Woulf's request for an additional meeting. This meeting took place Monday, April 8th, 2013. Alder Marsha Rummel was unable to attend due to a scheduling conflict. The ALRC requested that the Alder be included in these meetings. Unfortunately, despite the ALRC's request Alder Rummel has not attended the majority of these meetings over time. During the April 8th meeting, it was agreed that Mark Woulf would send Plan B a list of contractors for more opinions on what could be done to solve the problem, while moving forward with planning a mutual fundraiser with the affected neighbors. At

this same meeting, Plan B learned that the MNA board had drafted a letter without any discussion with Plan B requesting separation of our liquor license due to lack of effort in trying to solve the issue at hand. Plan B was shocked by this lack of due process or fairness. As a member of the neighborhood, how could MNA fail to include Plan B when making such an important decision? Plan B was able to come to the next meeting, but the decision had already been made: the letter that was already drafted was adopted and sent to ALRC. Without fully considering Plan B's side of the story, MNA sent a letter to the ALRC and now Plan B is facing a separation request.

Plan B has made continuous efforts and spent substantial financial resources to not only make themselves a good fit for this mixed-use neighborhood, but to also try to solve what seems to be an isolated issue that a very specific group has personally interpreted as a problem. Plan B never hid the fact or tried to disguise itself as something it is not: Plan B is a 300 person capacity dance club. Plan B owners are good operators and always on site and personally involved. We have a great track record working closely with the police department and addressing any issues that have surfaced in nearly 4 years of operations.

This isolated complaint continues to cause harm to all involved.

Plan B has requested an additional meeting with the three neighboring households as another follow up to the previous meeting in April. This is Plan B's attempt to complete plans for the neighborhood fundraiser so that further actions can be taken to address bass noise concerns expressed by the three neighboring households.

As the owners of Plan B, Rico Sabatini and Corey Gresen invite and encourage any and all members of the ALRC to go to Jenifer St and any of these households without any notice to Plan B, and listen for the allegedly intolerable bass noise coming from Plan B any Thursday, Friday or Saturday night. This will help put this matter in perspective. Plan B has made a significant investment in the Williamson St location, and is a good fit for this location. We look forward to continuing to work cooperatively with the city, and our neighborhood.

Sincerely,
PLAN B

Rico Sabatini

Corey Gresen