

## Burning controversy over East Oakland crematorium

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Community activist Nehanda Imara lives not far from the planned crematorium site in a violence-plagued neighborhood, and she says it would be an injustice to "dump more death in the community." Photo: Lacy Atkins, The Chronicle

The East Oakland crematorium, when it is finally built, will incinerate some 3,000 bodies a year.

Three thousand too many, says the Rev. Daniel Buford of the Allen Temple Baptist Church.

"East Oakland is basically a dumping ground for the worst ideas in the city anyone can come up with," Buford said.

"We can't seem to catch a break."

The plan for the crematorium was approved without fanfare by the city in 2012. But it has since blossomed into a saga of bureaucratic intrigue, lawsuits, emergency lawmaking and neighborhood identity.

At issue is the Neptune Society's plan to shutter its long-standing crematorium in Emeryville and move to an empty building at the corner of 98th Avenue and Kitty Lane, not far from the airport.

But the City Council is trying hard to stop, or at least delay, the plan.

The last thing East Oakland needs, residents and elected officials agree, is more pollution and more death.

"People have all these mixed images of what Oakland is, and certainly they have mixed images of East Oakland with all the violence," said Nehanda Imara, a 56-year-old community activist who lives less than a mile from the crematorium site. "So what do you want to do? You want to dump more death in the community?"

What Neptune says it wants to do is grow. Its Emeryville location is too small and too old and, with Baby Boomers getting older, demand is expected to keep rising.

"Our equipment and our facility are outdated, and the neighborhood has grown up around us," said Mike Miller, president of the Neptune Society of Northern California. "We had more and more families that wanted to come and witness the crematorium. There is no parking. It just doesn't work for us anymore." The Emeryville facility has a capacity of 2,400 bodies a year.

### **No public hearing**

After getting shut out of Richmond, Miller approached Oakland in spring of 2012 and, without controversy - or a public hearing - was issued a building permit to renovate the building and construct a crematorium capable of incinerating 3,000 bodies a year.

The city's Planning Department said that burning bodies was a "light industrial activity" that needed no additional approvals to move into an area of the city made up of mostly warehouses, truck yards and parking lots, said Rachel Flynn, the city's new planning director, who took over after the decision was made.

"They took a serious look at it and in their professional judgment, they said, 'OK, you are talking about a product and you are altering it and that makes it industrial manufacturing,' " Flynn said, speaking for the planners who approved the project. "You are making a product. Not a product we all like to talk about, but a product.

"Now, you can question whether that was an appropriate zoning category for this area, given its proximity to residential, and it is fair to question that," Flynn said.

But the determination stands, Flynn said.

Residents and city leaders were horrified to learn of the plan. Bringing what residents call an "emporium of death" to the neighborhood won't be good for business, they said. And burning bodies sends pollution and mercury from melted tooth fillings into the already polluted air of East Oakland, opponents said.

### **Trying to turn around**

"They want to put a crematorium in a district that we've been trying real hard to turn around," said Councilman Larry Reid, who represents the area. "Having that crematorium, not just the emission contaminants in the air, it may cause developers to think a little differently about what they want to put on 98th Avenue."

While the crematorium will produce some pollution, it won't be enough to do any serious harm, said Aaron Richardson, a spokesman for the Bay Area Air Quality Management District, which approved the crematorium.

"It complies with all of the air quality laws, so we would not expect health risks to be significant," Richardson said. "We are aware that that is a neighborhood that has some particular issues when it comes to pollution, but this project does comply with our permit conditions, which are designed to keep health risk at a minimum."

### **Court battle**

Days after Oakland approved the permit for the crematorium, the city passed a strict emergency law to regulate crematoriums and told Neptune to back off.

Neptune sued and, in August, won.

"The question before the court was: Is it a valid building permit, since Oakland law says once you're issued a permit, you're vested?" Miller said. "Laws aren't retroactive."

The City Council is deciding now whether to appeal that ruling, but many people agree it may be hard to stop the process.

But the whole process makes Imara skeptical.

"It is not caring. We need to get back to compassion and caring," she said. "The first thing is that whatever city you live in, in order for a city to work all the community, all the workers, we're supposed to get back to that caring and compassion."

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