



Dear Business Leaders, Colleagues and Friends,

As you may know, East Oakland is in the midst of a transformation to a healthier, thriving community. However, the Neptune Society is proposing a “mega-scale” crematorium at 9850 Kitty Lane, with capacity to burn up to 3600 corpses per year. This proposed crematorium was incorrectly characterized as a manufacturing facility when the Neptune Society sought to operate in East Oakland without securing a Conditional Use Permit, notifying the community at large, or undergoing environmental review.

For the past year, Communities for a Better Environment has worked closely with Councilmember Larry Reid and his staff to address the crematorium. We reached out to hundreds of East Oakland residents to sign petitions. We also gave them critical information so that they fully understood the potential impacts of the crematorium to protect public health and the vitality of local businesses. The Airport Association of Business submitted a letter of support (see attachment). We also reached out to local schools, churches, and other institutions to send letters. Alameda County Public Health Department submitted three different letters over the last year highlighting that cremation emits a number of criteria and toxic air pollutants that cause and exacerbate chronic conditions, such as asthma, and are linked to cancer.

Councilmember Reid responded to this groundswell of activity and sponsored a one-year Emergency Ordinance, which the Oakland City Council adopted unanimously, stating that no crematorium may get a permit under the category “general manufacturing.” This decision was appealed at the Planning Commission and we prevailed. The Neptune Society then decided to sue the city over the ordinance.

This May, Oakland City Council unanimously passed a 180-day extension for the Emergency Ordinance that requires any new crematoriums in Oakland to first obtain a Major Conditional Use Permit. The City of Oakland is now mandated to make this ordinance permanent so that any new crematorium wanting to come to Oakland knows it will need a Conditional Use Permit.

Despite the City Council unanimous decision, the Neptune Society pursued its lawsuit, **and already had its day in court to determine if the Emergency Ordinance applies to Neptune**. The court’s decision may change the outcome of the project and we are waiting for a favorable response to align with the City Council decision.

In the meantime, we want to continue to express our support of the City Councilmembers unanimous decision to make the Emergency Ordinance permanent. East Oakland already faces a disproportionate burden from illness associated with air pollution: the rate of Asthma Emergency Department (ED) visits in East Oakland is more than twice the Alameda County rate and this project has the potential add more harm to local residents and businesses. Your previous support

was critical to the City Council taking action to protect East Oakland and the City as a whole. Working together, we plan to continue to find win-win solutions. We want to ensure the City uses its 180 days to make this ordinance permanent. Any new crematorium wanting to come to Oakland will then know it must get a Conditional Use Permit. Making the law clear is important. The City of Oakland Planning Department will present their proposal for categorizing crematorium zoning activity on September 11, 2013 at 6pm. The location is 250 Frank Ogawa Plaza. Please join CBE and community members to express our concerns about the future of this viable East Oakland Airport Business District.

Thank you,

Communities for a Better Environment

## **P.S. Important Updates!**

### **Lawsuit**

- The lawsuit filed against the City by Neptune is pending.
- If the court rules in favor of Neptune's proposed crematorium the community will not get critical information about the facility, or controls to mitigate its effects on the environment, public health, and the local economy.

### **Proposed Classification for Crematoriums**

- When the City Council extended the "Emergency Ordinance" at the May 7, 2013 Council meeting, it directed Planning Department staff to change to the local ordinance regarding crematoriums.
- The Planning Department has begun this work by developing a new use classification that specifically classifies "Crematorium" as an industrial activity type.
- This proposal will allow crematoriums only in West and East Oakland, communities already too polluted.

### **Where should Crematoriums be located in Oakland?**

- In March 2013, CBE filed a request for a "Zoning Declaration" for Crematorium Activities to be recognized as part of the "Extensive Civic Impact" category. Extensive Civic Impact activities require a Conditional Use Permit but may be located in parts of Oakland that are not already subject to environmental injustice.
- CBE's proposal is an environmental justice solution that protects all of Oakland from more pollution. Historically, crematoriums have been Extensive Civic Impact uses.
- In June 2013, the Planning Department declared that Crematorium Activities are General Manufacturing Industrial Activities, not Extensive Civic Impact.

**The Planning Department will hear CBE's appeal** on September 11<sup>th</sup>. For details on the campaign, click link <http://www.cbecal.org/organizing/northern-california/oakland/#crematorium>

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