

## East Oakland residents protest Neptune Society crematorium plan

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By Kevin Rychel



Last Thursday, Communities for a Better Environment (CBE) and East Oakland residents gathered outside of the Neptune Society building on Grand Avenue for a demonstration and press conference. Their grievance: the planned construction of a mega-crematorium at 9850 Kitty Lane in East Oakland.

A number of East Oakland residents were in attendance at the demonstration. The demonstrators chanted “Oakland for the living!” as some passing cars honked in support. One demonstrator was Townsend Miller, an East Oakland resident of 10 years. Miller said the proposed mega-crematorium will particularly jeopardize “the health of our kids, of our elderly,” and questioned how the crematorium will serve the community and provide jobs. Two women separately

gave brief speeches entirely in Spanish and one resident condemned the potential toxins the mega-crematorium will expose her neighbors to and rallied the small crowd, speaking through a bull horn. “Where can we breath?” she asked through the horn.

A man dressed in a full suit eventually took the microphone and provided a list of demands for the Neptune Society. They included: 1. adhering to city ordinance, 2. abandoning litigation against the city, and 3. obtaining a conditional use permit (I’ll explain each of these shortly). **CBE organizer Nehanda Imara, who spoke first and last at the demonstration, compared the mega-crematorium to Wal-Mart.**

Some background: The Neptune Society of Northern California is a crematorium company owned by Stewart Enterprises, the second largest company for funeral and cremation services. Not for long, though, as Stewart is in the process of a buyout by the larger and even more

hilariously titled Service Corp Inc. The buyout will ensure Service Corp's dominance of the death-care industry (provided it gets past [legal barriers](#)).

In the meantime, Stewart has been actively seeking a new home for its Apollo Crematorium, a 3,000 body-a-year colossus, which [left Emeryville in 2006](#) due to the area's gentrification. See, crematoriums naturally prefer to operate in heavily industrialized neighborhoods where, incidentally, people of color often predominate. Many of these residents find it disturbing that something called a "mega-crematorium" (can you think of any other words that so aptly merge "death" and "huge corporation?") has decided to move next door and have thus far prevented it from setting up shop in Richmond, San Ramon, San Raphael, and Emeryville.

Rejected but not dejected, Stewart Enterprises and the Neptune Society then set their sights on Oakland. And in May 2012 they were welcomed — well, just by the city council and only for a day, [apparently](#), before council member Larry Reid proposed [an emergency ordinance](#) to require all proposed crematoriums to obtain a Conditional Use Permit, which allows the city to control certain activities within a zoning district. The ordinance was passed unanimously.

A note about conditional use permits: It's standard procedure for many Oakland-based groups. An East Oakland resident named Kelly Carlisle who showed up to the Thursday demonstration is the executive director of the [Acta Non Verba Youth Urban Farm Project](#) located at Tassafaronga Park. The project is aimed at low-income children and ambitiously combines community gardening and entrepreneurial education, and attempts "to provide fresh and affordable produce to an underserved population, and in doing so raise seed money for college funds for participating children and teens." In order to get this project off the ground, Kelly had to obtain a Conditional Use Permit because the Oakland Parks and Recreation (OPR) required her to. She claims it cost her almost \$3,000. Regarding the mega-crematorium, she said she was "all for business and creating jobs," but said the Neptune Society should "at the very least get a Conditional Use Permit."

The North Oakland-based non-profit Phat Beets Produce [was also required to pay \\$2,900](#) for a conditional use permit from the city's Planning Division before it could continue its operations, which included 30 fruit trees members had already planted along the perimeter of the city-owned Dover Park, as well as community education about gardening and nutrition. OPR community gardening staff were concerned about the use of pesticides on the fruit trees, despite co-founder Zachary Matthews claim that they used non-spray techniques to treat tree diseases. Commissioner Barry Miller is quoted in the article: "we have submissions every month saying that 'We want a dog park, we want a fountain, we want a soccer field'—our job is to balance all that. That's why there's a process." Phat Beets, like Acta Non Verba, ultimately agreed to respect the process and pay for the permit.

Stewart Enterprises and the Neptune Society did not feel similarly obliged to follow the process. In fact, they sued the city soon after the emergency ordinance to grandfather their

company into regulation was passed. And in August, they won. It is uncertain whether or not the city council will appeal the decision.

Nehanda Imara says the city needs to claim responsibility for approving the building permit that vested the Apollo Crematorium in the first place. Imara argues the city's previous Planning Director Eric Angstadt (**who has since left** to become Berkeley's Planning Director) **improperly classified** the crematorium as General Manufacturing Activity rather than Extensive Impact Civic Activity, which would treat it like mausoleum or a cemetery for zoning purposes. This would associate its "impact" with other facilities that handle dead bodies, and restrict its ability to be built within residential areas without a Conditional Use Permit. Oakland's current Planning Director Rachel Flynn **disagrees** with Imara's assessment of the classification: "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...But the determination stands."

Imara believes the next step is to "keep fighting" and to "educate the planning commission" about the mega-crematorium and the effects its pollution could have on the surrounding community. While the Bay Area Air Quality Management District that approved the crematorium claims its pollution will be minuscule, the CBE **are among others** who remain concerned about **the emissions associated with crematoriums**. **"We just want to save our lives," Imara shouted to the crowd at the demonstration.**