



May 12, 2022

MEMO TO : Park Board Commissioners

FROM : Donnie Rosa - General Manager, Parks and Recreation

SUBJECT : **Solar Access in Oppenheimer Park – Board Briefing Memo**

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Dear Commissioners,

This memo provides information about proposed [amendments to the Downtown Eastside Oppenheimer District Official Development Plan](#) (DEOD ODP) that Council referred to the Public Hearing scheduled for May 19, 2022. The changes in the DEOD ODP will permit new buildings to create shadows in Oppenheimer Park. I did not concur with the report due to the expected loss of direct sunshine in the park's central gathering area as redevelopment occurs in to the south and west of the park.

### **Background – Solar Access**

Sunshine is a fundamental building block of our parks, and VanPlay specifically seeks to protect sunshine in our parks due to development.

Currently, no citywide policy exists preventing new buildings from creating additional shadows on parks; different City policies treat shadow protection differently. In policies where it exists, solar access protection in parks often uses soft language such as 'minimize shadows' and limits protection to the hours of 10am to 2pm, or until 4pm in some cases. This stands in contrast to the data the City recently gathered during the [Places for People Downtown Public Space Strategy](#) (p78, 2017/18), which shows recreation and cultural activities typically **increase** in public spaces from 4pm until 6pm.

During the development review process, Park Board staff frequently review proposals for taller buildings that can cast new shadows in parks. Staff's ability to protect parks from shadowing is limited, since the regulatory role for development, including height and building massing, rests with the City's Planning Department.

On April 13, 2022, the General Manager of Planning, Urban Design and Sustainability (PDS) sent me a letter recognizing the need for a comprehensive, city-wide approach to protecting solar access on parks and a commitment to continue working with the Park Board and others to advance policies that protect access to sunlight on park space. There is no commitment to a timeline.

### **Background – DEOD Official Development Plan**

The DEOD ODP regulates development in the Downtown Eastside area surrounding Oppenheimer Park. Increasing the amount of public open space and providing new affordable housing within the area are both stated goals within the plan.

Different levels of government own properties around Oppenheimer Park and there is significant interest in re-developing these sites to increase the supply of affordable housing. To facilitate this

process and deliver a larger number of affordable housing units, the City is proposing to amend the DEOD ODP to increase maximum permitted height and density (see Figure 1 below).



**Figure 1:** Proposed Built Form Envelope - Downtown Eastside Oppenheimer District Official Development Update (looking southwest)

### Issue

The Council report acknowledges Oppenheimer Park's significance. In the Downtown Eastside Social Impact Assessment, residents identified the park as a key 'community heart' – including as a sacred and healing space for Indigenous Peoples and of vital heritage significance to the Japanese Canadian community.

Carnegie Community Centre operates cultural and recreational programs and life-essential food, health and resource services in the park from 9 am to 5 pm, 365 days a year. Many people who use Oppenheimer Park are low-income and/or face systemic barriers, and do not have access to private outdoor space or opportunity to travel and access other public green spaces in the city.

City Staff developed urban design guidelines within the plan to prevent shadowing from 10am until 4pm for new buildings south, east and west of Oppenheimer Park. However, if a new building were to be built following the guidelines at the corner of Cordova St and Dunlevy, it would shadow the entire central gathering and activity area by 6pm, between the September and March equinoxes (see Figures 2 and 3 for Oppenheimer Park solar studies).

In our perspective, the benefit of adding social housing in this particular location does not justify the permanent negative impacts to the use of the public park. Impacts will be most felt during stationary activities such as seating, sharing a meal, napping in the sun, in the shoulder seasons.



**Figure 2:** Openheimer Park Solar Study - Spring Equinox (March 21) from 10am-6pm; based on proposed built form envelope with new shadows in red (for illustrative purposes only).



**Figure 3:** Openheimer Park Solar Study- Fall Equinox (September 21) from 10am-6pm; based on proposed built form envelope with new shadows in red (for illustrative purposes only).



### Conclusion

As noted above, I withheld concurrence for this report and recommended that the time period of solar access protection of Oppenheimer Park be extended from the proposed 10am-4pm to 10am-6pm (measured at the spring and fall equinoxes, as is standard practice) until such time that a citywide policy is developed to retain and protect solar access in parks and public spaces. Park Board staff will continue to work with PDS towards the start of the citywide solar access policy.

The DEOD ODP update Council Report is scheduled for consideration at the Public Hearing on May 19, 2022.

Regards,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Donnie Rosa (*they/she*)  
General Manager - Parks and Recreation

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Copy to: PB Leadership Team  
PB Planning, Policy & Environment Team  
PB Communications