

**Director's Interpretation
Daylight Plane**

Subject: Inconsistencies in graphics and narrative for Daylight Plane

Applicable codes: Chapter 17.16.030 Bulk & Dimensional Requirements

Date: March 14, 2024

Discussion of the issue:

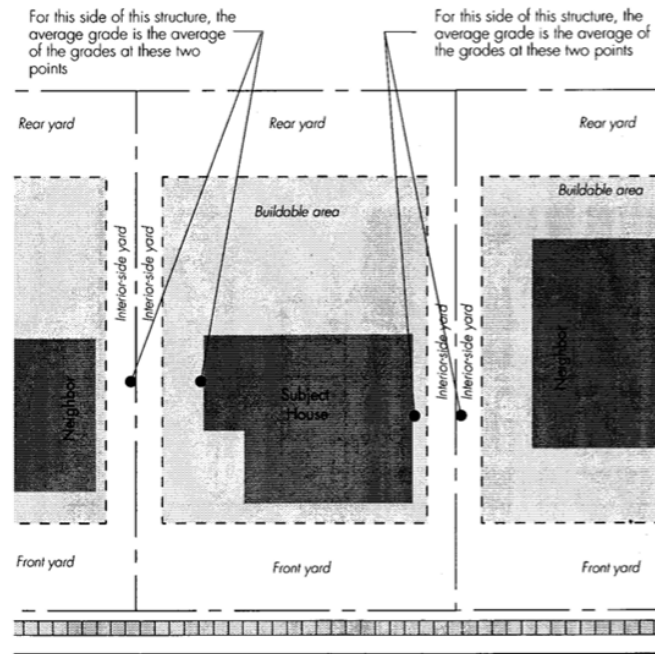
Due to inconsistent code language, Staff and applicants have requested clarification on the city's daylight plane regulations.

1. How is daylight plane measured (e.g., from finished grade, natural grade)?
2. How to resolve the inconsistencies between narrative and graphics in 17.16.030D?
3. What is the height limit in PTMC 17.16.030D4?
4. What height is used in application of PTMC 17.16.030D6 and how is it measured?
5. Does daylight plane apply to rear property lines?

Questions and interpretation follow:

1. How is daylight plane measured (e.g., from finished grade, natural grade)?

Interpretation: When measuring daylight plane, measure height from the average of the natural (pre-existing) grade at the midpoint of the building and the grade of the closest point of the abutting site.



00 Illustration from Palo Alto that demonstrates the interpretation, and states “When measuring daylight plane, height is measured from the average at the grade at the midpoint of the building and the grade of the closet point on the abutting site.”

Rationale:

The purpose of daylight plane, per the definition in 17.08.020, is “to provide for light and air, and to limit the impacts of bulk and mass on adjacent properties. “Daylight plane” means a height limitation that, when combined with the maximum height limit, defines the building envelope within which all new structures or additions must be contained.” (emphasis added)

Per 17.16.030D7 – daylight plane does not apply to side yards of a property contiguous with a right-of-way regardless of if the right-of-way is opened or unopened.

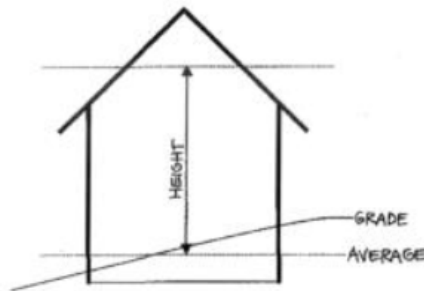
Relevant code citations:

Definition 17.08.020

“Daylight plane” is intended to provide for light and air, and to limit the impacts of bulk and mass on adjacent properties. “Daylight plane” means a height limitation that, when combined with the maximum height limit, defines the building envelope within which all new structures or additions must be contained. The daylight plane is an inclined plane, beginning at a stated height above average grade and extending into the site at a stated upward angle to the horizontal up to the maximum height limit. The daylight plane may further limit the height or horizontal extent of the building at any specific point where the daylight plane is more restrictive than the height limit applicable at such point on the site. (emphasis added)

“Building height” means the vertical distance from the average natural (preexisting) grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or the average height of the highest gable of a pitched or hipped roof. (emphasis added)

Figure 1. Average Grade and Building Height



1 Port Townsend Municipal Code figure displayed in definition of "Building Height" demonstrates the average height of the roof gable, which establishes the upper range of the height allowance.

17.16.030 D4. *Where the finished first floor of an existing dwelling is more than three feet above existing grade and is being extended by an addition, the initial height of the daylight plane shall be 12 feet for a single-story residence and 21.5 feet for two or more story residences; (emphasis added)*

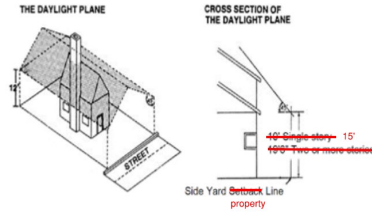
2. How to resolve the inconsistencies between narrative and graphics in 17.16.030D?

In reviewing the inconsistencies, the Director followed the Rules of construction provided in PTMC 17.90.030

In administering this title, where, in administering any permit application, different sections of this code specify different, varying, or inconsistent standards, the most restrictive provision shall govern, unless the director determines that standards, limitations, or requirements have been revised or adopted to implement a specific policy directive of the comprehensive plan. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. (Ord. 2571 § 2, 1997).

Is Section 17.16.030D height supposed to be 15 feet or 10-feet for single story and 19.6 for two or more stories?

D. Daylight Plane. In R-I and R-II zones, no structure shall extend above or beyond a daylight plane having a height of 15 feet measured at the property line and extending into the parcel at an angle of 45 degrees, with the following encroachments allowed:



1 Port Townsend Municipal Code Figure. Red lines show effect of interpretation.

Interpretation: Narrative prevails over the graphic.

Rationale: Per Ordinance 3241 (2019), Council explicitly revised the narrative text of this subsection. Revisions to the graphics appear to be an oversight. This ordinance allowed measurement of the daylight plane height from the property line instead of the setback line and adjusted the single-story maximum height accordingly to 15-feet ensuring that a two-story home could fit; thus rendering the two-story limitation unnecessary. References to the two-story height limit remained though, which complicates the intent of Ordinance 3241. The code is not supposed to have height limitations differentiating one or two-stories.

17.16.030D5 – Is the height 21.5 feet for two stories or 19.6 for side sloping lots?

5. Where the slope of a parcel measured between the side property lines at the front setback is 15 percent or steeper, the initial height of the daylight plane shall be 10 feet for a single-story residence and 21.5 feet for two or more story residences on the downhill side of the parcel; and



2 Port Townsend Municipal Code Figure. Red lines show effect of interpretation.

Interpretation: The downhill side is 17-feet, and the uphill side is 15-feet measured from the side property lines at the front setback.

Rationale: The graphic contains internal inconsistencies (e.g., notes indicate 10-feet for single-family but elevations on graphic indicate 14' and 12'). As previously stated Ordinance 3241 eliminated the need to distinguish between one or two-story buildings because the measuring point changed from setback line to property line. It's clear from the original graphic that the intent is to increase the downhill side 2-feet from the uphill side. Using the maximum 15-feet established in subsection D as a baseline, the downhill side should have a maximum height of 17-feet.

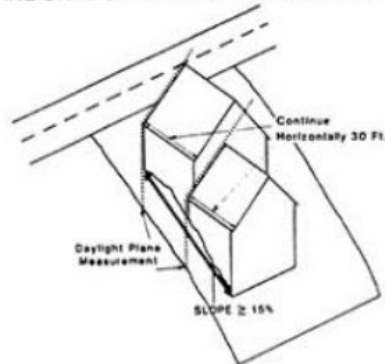
3. **What is the height limit in PTMC 17.16.030D4?**

Interpretation: When the finished first floor of an existing dwelling is more than three feet above existing grade and is being extended by an addition, the initial height of the daylight plane shall be 17-feet.

Rationale: This maintains consistency with the interpretation of 17.16.030D5.

4. **What height is used in application of PTMC 17.16.030D6 and how is it measured (for front to rear slopes)?**

DAYLIGHT PLANE ON FRONT-TO-REAR SLOPING LOTS



3 Figure as shown in PTMC for front to rear sloping lots

Interpretation: Measure the daylight plane at the point where the side property line and the front setback intersect. The daylight plane is projected perpendicular to the side property line. The measurement needs to be taken on the other side property line in the same manner. The height limit for daylight plane at a 45-degree angle into the lot is 15-feet. Measure each 30-feet thereafter to establish the plane from which the height

measurement should be taken again. The height limit of each 30-foot section is 15-feet. This interpretation applies to both front-to-rear and rear-to-front sloping lots.

Rationale: Each of the provisions in PTMC 17.16.030D is the minimum standard and must be used in combination to determine the appropriate height of the daylight plane for different situations described in subsections 1-6. Subsections 5 and 6 address homes on a slope exceeding 15%. However, Subsection 6 lacks full direction for height limits. The interpretation leverages each section.

5. **Does daylight plane apply to the rear property line?**

Interpretation: The Daylight plane also extends from the rear property line at an angle of 45 degrees and limits the height of a structure in accordance with the heights in this interpretation.

Rationale: Chapter 17.08 Definitions, quoted below with emphasis added, intends to limit the impacts of bulk and mass on adjacent properties. An accessory dwelling unit structure situated in the rear yard with a reduced 5-foot impact may impose impacts without daylight plane height restrictions.

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