

Proposal: Development Variance Permit to allow relaxation of a rear yard setback, relaxation of front yard setbacks, and variance to increase boulevard width, to permit subdivision into approximately 10 single family lots.

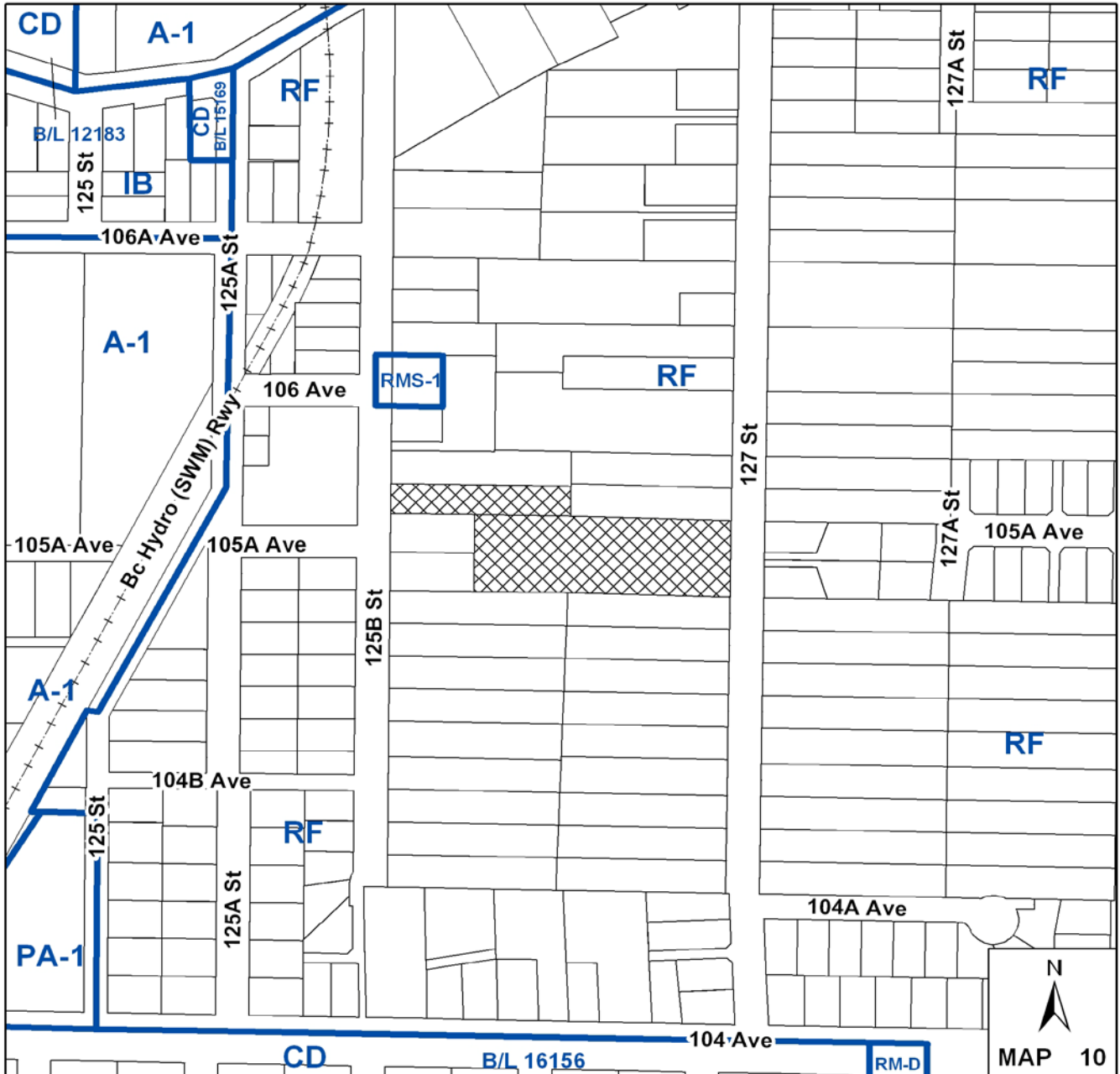
Recommendation: Approval to Proceed.

Location: 10564 - 125B Street
 10543/55 - 127 Street

Zoning: RF

OCP Designation: Urban

Owners: Surinder Singh Hayre et al



PROJECT TIMELINE

Initial Application Submission Date: June 28, 2004
Application Revision & Re-submission Date: July 16, 2007
Planning Report Date: July 23, 2007

PROPOSAL

The applicant is proposing:

- a Development Variance Permit to relax the following by-law regulations:
 - reduce the rear yard setback of the RF Zone for the existing house on proposed Lot 1 from 7.5 metres (25 ft.) to 5.0 metres (16 ft.);
 - reduce the front yard setback of the RF Zone for proposed Lots 3, 4 and 5 from 7.5 metres (25 ft.) to 5.5 metres (18 ft.); and
 - vary the boulevard width in the Subdivision By-law for a portion of 126 Street, from 4.25 metres (14 ft.) to varying widths up to 16.0 metres (52.5 ft.)

in order to allow subdivision into approximately ten (10) single family lots.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7904-0250-00, (Appendix X) varying the following, to proceed to Public Notification:
 - (a) to reduce the minimum rear yard setback of the RF Zone for the existing house on proposed Lot 1 from 7.5 metres (25 ft.) to 5.0 metres (16 ft.);
 - (b) to reduce the minimum front yard setback of the RF Zone for proposed Lots 3, 4 and 5 from 7.5 metres (25 ft.) to 5.5 metres (18 ft.); and
 - (c) to vary boulevard width **in drawing SSD-R.4 of the Supplementary Standard Drawings** of the Subdivision and Development By-law for a portion of 126 Street from 4.25 metres (14 ft.) to varying widths up to 16.0 metres (52.5 ft.).

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as identified in the attached (Appendix V). No concerns.

Parks, Recreation and Culture: The Parks, Recreation and Culture Department has no concerns regarding this project (Appendix VI).

School District:

School Impacts:

Projected number of students from this development:

Elementary students = 3 students
 Secondary students = 2 students
 Total new students = 5 students

School Catchment Area/Current Enrollment/School Capacity:

K.B. Woodward Elementary School = 530 enrolled/530 capacity
 Kwantlen Park Secondary School = 1,460 enrolled/1,200 capacity

Projected number of students from development approvals in the last 12 months (not including subject project) in the subject school catchment areas:

Elementary students = 33 students
 Secondary students = 41 students
 Total new students = 74 students

Approved Capacity Projects and Future Space Considerations

There are no new capital projects proposed at the elementary school and no new projects identified for the secondary school. The District is considering a district program move from Kwantlen Park to another secondary school site, to eliminate projected overcrowding at Kwantlen Park Secondary School. The proposed development will not have an impact on these projections.

(Appendix VII)

Building Division:

The Geotechnical Report, prepared by Levelton Consultants Ltd., has been reviewed and found acceptable.

SITE CHARACTERISTICS

- **Existing Land Use** One existing acreage lot and one existing half-acre lot, zoned RF, designated Urban. The house on the acreage lot will be removed, while the house on the half-acre lot will be retained.
- **East:** Across 127 Street, recently approved 16-lot subdivision under Application No. 7904-0157-00, zoned RF, designated Urban.
- **South:** Existing half-acre single family residential lots, zoned RF, designated Urban.
- **West:** Existing single family residential lots, zoned RF, designated Urban.

- **North:** Existing acreage and half-acre single family residential lots, zoned RF, designated Urban.

PLAN AND POLICY COMPLIANCE

OCP Designation: Complies.

DEVELOPMENT CONSIDERATIONS

- The 0.93-ha (2.3-acre) subject site is located at the alignment of 105A Avenue, bounded by 127 Street on the east and 125B Street on the west, and is designated Urban in the Official Community Plan (OCP).
- The subject site consists of two properties, currently zoned "Single Family Residential Zone" (RF). The applicant is proposing to retain the existing zone and subdivide the site to allow for approximately ten (10) single family lots. The proposal is consistent with the Urban designation.
- The site is heavily forested with mature cedar, hemlock, fir and maple trees; the western portion of the site slopes steeply from east to west.

Site Context

- The site is situated in an area surrounded predominantly by larger parcels of land (approximately half-acre in size) that are zoned RF.
- The area has begun to see an increase in development activity. Subdivision of one of the larger parcels fronting 128 Street together with two lots fronting 127 Street was completed in July, 2007 (Application No. 7904-0157-00) creating 16 RF lots, the Planning Department has received several other applications for subdivision, either in-stream or completed (see Appendix IV).
- As applications to subdivide have been processed, residents in the neighbourhood (particularly along 127 Street) have indicated that they are not opposed to development, however larger lot sizes and the preservation of the large mature trees along 127 Street should be considered. They feel that many of these mature trees (ranging from 70 to 110 cm diameters) add to the rural and unique character of this neighbourhood.
- As a result of neighbourhood concerns, many of the applicants have considered various options to allow for wider lot frontages and opportunities for increased tree preservation along 127 Street. Approved and in-stream development applications in the vicinity of the subject site identified on Appendix IV are described below:
 - Four lots including two panhandle lots (to the north of the subject site) were created under Application No. 7998-0244-00 (subdivision plans signed December 1, 1999). The project also applied for a Development Variance Permit to waive works and services along 127 Street in order to preserve the established rural character of the neighbourhood.

- To the immediate north of the four new lots, an application to also create four lots including two panhandle lots (Application No. 7903-0468-00) was approved on April 30, 2007. Again, the panhandles allow the wider lot frontages of 25 metres (82 ft.) for the two non-panhandle lots. Cash-in-lieu was required in place of completing 127 Street to the ultimate through local road standard, should road upgrading be necessary in the future.
- Immediately to the east across 127 Street, Application No. 7904-0157-00 was approved, creating 16 single family lots on a 1.42-ha (3.5-acre) site. Four lots gain access from 127 Street, while the remaining 12 lots front onto 127A Street, 128 Street and 105A Avenue. The panhandle configuration on 127 Street allows for two 19-metre (62-ft.) wide frontages along 127 Street. Additional rear yard setbacks have been used to preserve large clusters of trees.
- Also immediately to the east across 127 Street, under Application No. 7906-0503-00, the applicant is proposing to subdivide the existing half-acre parcel into two single family lots. The larger lot area of the proposed lots would permit the preservation of several mature trees. This application has not yet received a Preliminary Layout Approval (PLA) letter.
- Owners of two properties to the north-east of the subject site, currently under Application No. 7905-0249-00, are proposing to rezone the site from RF to CD to create 11 detached strata homes, with a large green amenity area in order to preserve the mature trees along 127 Street. This application is at the Pre-Council stage.
- To the north of the subject site along Old Yale Road, a property is under Application No. 7905-0277-00 in order to subdivide the existing RF lot into 2 RF lots. A frontage road or shared driveway is proposed off of Old Yale Road in order to provide access. The depth of the lots will permit the preservation of a number of significant trees
- Also to the north of the subject site at the intersection of Old Yale Road and 125B Street is Application No. 7905-0043-00. The applicant is proposing to subdivide into 4 RF lots, with access from a shared driveway off of 125B Street. The applicant has committed to preserving a number of significant trees at the rear of the site where it abuts other heavily treed properties.
- Application No. 7907-0016-00, at the intersection of Old Yale Road and 125A Street, is proposing to subdivide an existing RF lot into 2 RF lots. There are no significant trees on this site.
- To the south, at 104 Ave and 127 Street, Application No. 6088-0671-00 was approved September 6, 1989, creating 5 RF lots.
- Also to the south, Application No. 7999-0035-00 at 104 Ave and 125B Street was approved July 11, 2003. This resulted in the creation of 6 RF lots.
- Application 7906-0165-00 at the intersection of 125 Street and 104 Ave (to the south-west of the subject site) was approved June 12, 2007, creating 8 single family lots. This

project also involves a Heritage Revitalization Agreement to retain the South Westminster School.

- To the north, on 127 Street, Application No. 7907-0167-00 is proposing to subdivide an existing RF lot into 2 RF lots.

Background

- Initially the applicant for the subject site proposed an 11-lot layout. Upon assessment of the proposal by the Planning Department staff, and after concerns were expressed by residents regarding slope stability, tree retention and drainage issues, it was recommended to the applicant that they review and revise the 11-lot proposal to address the concerns
- The applicant revised the 11-lot layout, and presented a 9-lot panhandle layout, (with 7 lots gaining access from 127 Street and 2 from 125B Street), which required a variance to relax the minimum width requirement for the 9 panhandle lots. As a result, a development proposal sign was installed on the site to inform the neighbourhood of the 9-lot panhandle proposal.
- Staff received numerous e-mail and telephone responses in opposition to the proposal, expressing concerns about lot size, drainage and mature tree retention. As a result staff requested that the applicant hold a Public Information Meeting (PIM) in order to show the neighbourhood their proposal and to gain support (see Pre-notification Section for further details).
- The results from the PIM showed that the majority of those residents living in close proximity to the subject site were opposed to the proposed layout. Applicants were advised to continue to work with staff to prepare a layout that better addressed concerns raised by residents, resulting in the current proposal.

Proposed Subdivision Layout

- The applicant is proposing to subdivide the site into 10 single family lots within the existing "Single Family Residential Zone" (RF).
- Proposed Lot 1 will continue to front 125B Street, gaining access from the existing shared driveway with the property to the north at 10578 – 125B Street.
- Proposed Lots 2 to 5 will front the future 126 Street, which will connect through the future 105A Avenue to 127 Street. A variance is required to vary the boulevard width in front of proposed Lot 2 (see By-law Variance section).
- Proposed Lots 6 to 10 will front the future 105A Avenue.
- All ten proposed lots conform to the minimum requirements of the Single Family Residential (RF) Zone in terms of lot area, width and depth. They range in size from 560 square metres (6,028 sq.ft.) to 1,129 square metres (12,153 sq.ft.). They range in width from 15.62 metres (51 ft.) to 28.54 metres (93 ft.), and range in depth from 35.71 metres (117 ft.) to 60.77 metres (199 ft.).

- Proposed Lot 1 will require a variance to reduce the minimum rear yard setback of the RF Zone from 7.5 metres (25 ft.) to 5.0 metres (16 ft.) to permit the existing house to remain (see By-law Variance section).
- Proposed Lots 3 to 5 will require a variance to reduce the minimum front yard setback of the RF Zone from 7.5 metres (25 ft.) to 5.5 metres (18 ft.). This will allow for the retention of mature trees at the rear of these lots. Furthermore, as the site slopes steeply to the west, the DVP will allow for an increased rear yard in order to site the building footprint nearer to the top of the slope (see By-law Variance section).
- The applicant retained Levelton Consultants Ltd. to carry out a geotechnical assessment of the subject site. Based on the results of the subsurface investigation, they judged that the subject site is presently stable against potential deep-seated slope failures, and is suitable for construction of single family residences. The report was reviewed by staff and found acceptable.
- In order to preserve the grove of trees along 127 Street, the applicant will register a "No-Build" Restrictive Covenant on the flanking side yard of proposed Lot 10. This will be a condition of subdivision approval.
- In order to preserve the mature trees at the rear of proposed Lots 3-5, as a condition of subdivision, the applicant will register a "No-Build" Restrictive Covenant ensuring that no structures encroach into the root zones of the protected trees.
- The applicant is proposing to dedicate 20.0 metres (66 ft.) for 126 Street along proposed Lots 3, 4, and 5 and 10.0 metres (33 ft.) along proposed Lot 2. The applicant is also proposing to dedicate 12.5 metres (41 ft.) for 105A Avenue, and to dedicate 3.0-metre x 3.0-metre (10-ft. x 10-ft.) corner cuts at all intersections. The applicant will also provide on-site and off-site statutory rights-of-way for servicing.

Design Considerations and Proposed Lot Grading

- The applicant for the subject site has retained Apex Design Group Inc. as the Design Consultant. The Design Consultant conducted a character study of the surrounding homes and based on the findings of the study, proposed a set of building design guidelines (Appendix VIII).
- In-ground basements are proposed based on the lot grading and tree preservation information that was provided by the applicant. Basements will be achieved with cut or fill. The information has been reviewed by staff and found to be generally acceptable.
- Basement-entry homes and secondary suites will not be permitted.

Arborist Report and Tree Protection

- C. Kavolinas and Associates Inc. prepared the Arborist Report and Trees Preservation/Replacement Plans. They have been reviewed by the City's Landscape Architect and deemed acceptable.
- The Arborist Report indicates there are 66 mature trees on the subject site. The report proposes the removal of 70 trees because they are located either within the building envelopes, or are

within the footprint of underground services. The Report proposes 16 trees be retained; 4 on proposed Lot 1, 1 on proposed Lot 2, 1 on proposed Lot 3, 2 on proposed Lot 4, 1 on proposed Lot 9, and 6 on proposed Lot 10 (there are also 3 additional trees either on the boulevard or are partly on neighbouring properties). Twenty-one (22) replacement trees will be planted for a total of thirty-eight (38) trees on site, providing for an average of 3.8 trees per lot.

- Under the recently approved new Tree Protection By-law, tree replacement is required at specified ratios. Protected trees are to be replaced at a ratio of 2:1, while alder and cottonwood trees are to be replaced at a ratio of 1:1. As fifty (50) protected trees are to be removed, a total of one hundred (100) replacement trees would be required for this application. The applicant proposes twenty-two (22) replacement trees. Under the requirement of the new Tree Preservation By-law, this would result in a tree replacement deficit of 78 trees. As such, under the new By-law, monetary compensation for the remaining 78 trees would be \$23,400 based on \$300/tree. This will be required to be adequately addressed prior to final subdivision plan approval.

PRE-NOTIFICATION

As part of the development process, the applicant was required to install a development proposal sign in order to inform the residents in the neighbourhood about the proposed subdivision.

- After the sign was installed for the 9-lot proposal, twenty residents contacted the Planning Department either by telephone, letter or e-mail. The following is a summary of their concerns:

Tree Preservation :

- Residents indicated that part of what makes this area of North Surrey unique is the large sized evergreen trees. The removal of these larger trees (ranging from 80 to 110 cm diameters) and replacement with small trees will change the look of the neighbourhood.
- The number of lots proposed will make it difficult to retain the trees.
- Residents also recognized that other developments in this area have adjusted their layouts to help preserve larger trees and that this development should also do the same.

Lot Size and Number:

- The average lot width in this neighbourhood is 20 metres (65 feet) and many parcels are half-acre in size. Residents indicated that the subdivision pattern should look at creating quarter-acre lots and maintain the 20-metre lot width.
- Residents indicated that there are too many lots proposed resulting in narrower frontages that do not fit in with the existing neighbourhood.

Neighbourhood Character:

- The narrower lots proposed would create homes that are closer together. These narrower lots combined with the removal of the large mature trees would significantly impact the existing neighbourhood character.

Downslope Drainage and Water Run-off

- Residents living along 125B Street also expressed concerns of increased ground-water run-off that could result in flooding of the lots downslope of the development.

- Residents also indicated that there is a significant slope on the site and the removal of trees and increased paved surface area could create problems with slope stability. They also expressed concerns about landslide potential similar.

Increased Traffic:

- In general, residents felt that the development would add additional traffic into 127 Street. Specifically, they indicated that the intersection of 104 Avenue and 127 Street is problematic and the additional households generated from this development will exacerbate the problem.

Due to the volume of calls and concerns expressed, the applicants were asked to hold a Public Information Meeting (PIM).

Public Information Meeting

The Public Information Meeting was held November 2, 2005 at Bridgeview Community Hall.

- Residents most directly affected by this proposal would be along 127 Street. Nineteen 19 people who lived along 127 Street responded to a questionnaire presented at the PIM. Of those 19 respondents, 79% of the households were opposed to the proposal.
- Concerns expressed during the pre-notification were also noted at the Public Information Meeting. Planning staff informed the applicant of the residents' concerns prior to the Public Information Meeting, so that they would be able to better address the issues raised.

Tree Preservation

- Residents again, expressed concerns about the lack of tree preservation. At the PIM, some residents were concerned that trees shown for retention on the display boards were not confirmed by the arborist report.

(Since the PIM, staff have worked with the applicant to allow for increased tree preservation along 127 Street. For the proposed 10-lot subdivision, the applicant has:

- *Agreed to register a No Build Restrictive Covenant on the flanking side yard of proposed Lot 10, which will save a number of mature trees and preserve the rural character of 127 Street.*
- *Applied for a variance to reduce the front yard setback of proposed Lots 3 to 5. This will allow for the retention of several mature trees at the rear of these lots.)*

Neighbourhood Character

- The applicant displayed three different lot layouts ranging from nine lots to eleven lots. The applicant's design consultant, Douglas Johnson, attended the meeting in order to be available to answer residents' questions. The residents were satisfied with the design of the houses, however they were mainly concerned that the smaller lots and removal of trees would impact the overall feel and character of the neighbourhood.

(As a result, staff have worked with the applicant to revise the layout.

- *The multiple-panhandle proposal has been replaced with a new east-west road, at the 105A Avenue alignment.*
- *Proposed Lot 10 adjacent to 127 Street, at 1,120 square metres (0.28 acres) is considerably larger than the other nine lots in the proposed subdivision. A "No-build" Restrictive Covenant will be registered over proposed Lot 10, furthermore, in order to preserve the stand of mature trees along 127 Street.*
- *The applicant will be required to pay cash-in-lieu for road works along 127 Street, as opposed to completing 127 Street to a through local road standard. This will preserve the existing rural character of the street, and also preserve mature trees along 127 Street.)*

Downslope Drainage and Water Run-off

- The residents on the downslope side of the development were especially concerned with increased potential of flooding. One resident indicated that he was already experiencing increased water run-off from another subdivision (further to the north of the subject site), which was approved late 1999.

(The applicants' civil engineering firm, CitiWest Consulting Ltd., is currently working with staff from the Engineering, Building, and Planning Departments to mitigate drainage concerns. Much of the drainage of the future proposed lots will be directed away from properties fronting 125B Street and towards storm sewer connections at 126 Street. CitiWest has also agreed, upon Engineering's advice, to limit any surface drainage onto adjacent lots to present levels.

Levelton Engineering Solutions carried out a geotechnical assessment of the subject site, and judged that the subject site is presently stable against potential deep-seated slope failures.)

Increased Traffic

- Similar to concerns brought up during the pre-notification, concerns about increased traffic and the problematic intersection at 104 Avenue and 127 Street were also raised during the Public Information Meeting.

(The future construction of 126 Street should alleviate traffic concerns once further development is approved to the south, and the road is connected to 125B Street.)

After the application was revised to the 10-lot subdivision proposal, the development proposal sign was modified accordingly and no further comments have been received.

BY-LAW VARIANCES AND JUSTIFICATION

(a) Requested Variance:

- To reduce the minimum rear yard setback of the RF Zone for proposed Lot 1 from 7.5 metres (25 ft.) to 5.0 metres (16 ft.).

Applicant's Reasons:

- The variance will permit the house on existing Lot 1 to remain.
- This will also allow for further tree retention.

Staff Comments:

- This approach ensures that the root zone of a significant cedar at the rear of proposed Lot 2 remains entirely on proposed Lot 2 (rather than straddling two lots).
- Staff are in agreement with the applicant's rationale and therefore, support the proposed variance.

(b) Requested Variance:

- To reduce the minimum front yard setback of the RF Zone for proposed Lots 3 to 5 from 7.5 metres (25 ft.) to 5.5 metres (18 ft.).

Applicant's Reasons:

- The reduced rear yard setback will allow for the retention of mature trees on the site.
- As the site slopes steeply to the west, the DVP will allow for an increased rear yard setback in order to site the building footprint closer to the top of the slope.
- The massing and appearance of the houses on these lots, if they were to conform to the 7.5-metre (25 ft.) setback, would have a negative impact on the properties on the lower slope to the west of these properties.
- Shifting the houses on the properties to the west will require pumping sanitary services.

Staff Comments:

- The applicant's design consultant has provided a drawing to demonstrate the proposed siting of the houses on proposed Lots 3 to 5 is not disadvantageous (see Appendix VIII).
- Staff are in agreement with the applicant's rationale and therefore, support the proposed variance.

(c) Requested Variance:

- To vary the boulevard width of the Subdivision and Development By-law for a portion of 126 Street, from 4.25 metres (14.0 ft.) to varying widths up to 16.0 metres (52.5 ft.).

Applicant's Reasons:

- The reduced lot width will permit road frontage to 126 Street for proposed Lot 2.

- The variance will also permit road frontage for 10578 – 125B Street to the north, if that property were to subdivide in the future.

Staff Comments:

- This approach eliminates the need for panhandle lots, which were not favoured by residents in the area.
- Alternative solutions may have affected the subdivision potential of 10578 – 125B Street to the north.
- Staff are in agreement with the applicant's rationale and therefore, support the proposed variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary and Project Data Sheets
Appendix II.	Contour Map
Appendix III.	Proposed Subdivision Layout
Appendix IV.	In-stream and Recently Completed Applications
Appendix V.	Engineering Summary
Appendix VI.	Parks Comments
Appendix VII.	School District Comments
Appendix VIII.	Building Design Guidelines Summary and General Concept (Lots 2 - 5)
Appendix IX.	Summary of Tree Survey and Tree Preservation
Appendix X.	Development Variance Permit No. 7904-0250-00

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated February 5, 2007.
- Tree Preservation and Replacement Plan dated July 19, 2007.
- Lot Grading Plan dated February 2007.
- Geotechnical Study prepared by Levelton Engineering Solutions dated October 8, 2004.
- Soil Contamination Review Questionnaire prepared by Surinder Hayre dated June 22, 2004.

How Yin Leung
Acting General Manager
Planning and Development

CA/kms

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: CitiWest Consulting Ltd.
 Address: #101 - 9030 King George Highway
 Surrey, BC V3V 7Y3
 Tel: 604-591-2213

2. Properties involved in the Application

(a) Civic Address: 10564 - 125B Street, 10543/55 - 127 Street

(b) Civic Address: 10564 - 125B Street
 Owner: Surinder Singh Hayre, Shinderpal Kaur Hayre
 PID: 001-675-095
 Lot 123 Section 20 Block 5 North Range 2 West New Westminster District
 Plan 51989

(c) Civic Address: 10543/10555 - 127 Street
 Owner: 697122 B.C. Ltd.,

Director Information:

Kalvinder S. Bassi
Pranpal Dhaliwal
Sawinder S. Hayre
Jasvir Manget
Amarjit Singh Toor

Officer Information: (as at June 9, 2006)

Kalvinder S. Bassi (President)
Sawinder S. Hayre (Secretary)

PID: 010-098-585
Lot B Section 20 Block 5 North Range 2 West New Westminster District
Plan 15618

3. Summary of Actions for City Clerk's Office

(a) Proceed with Public Notification for Development Variance Permit No. 7904-0250-00.

SUBDIVISION DATA SHEET

Zoning: RF

Requires Project Data	Proposed
GROSS SITE AREA	
Acres	2.314
Hectares	0.9365
NUMBER OF LOTS	
Existing	2
Proposed	10
SIZE OF LOTS	
Range of lot widths (metres)	15.62 - 28.54 m
Range of lot areas (square metres)	560 - 1,120 m ²
DENSITY	
Lots/Hectare & Lots/Acre (Gross)	10.67 lots/ha 4.32 lots/ac
Lots/Hectare & Lots/Acre (Net)	14.12 lots/ha 5.71 lots/ac
SITE COVERAGE (in % of gross site area)	
Maximum Coverage of Principal & Accessory Building	40%
Estimated Road, Lane & Driveway Coverage	18%
Total Site Coverage	58%
PARKLAND	
Area (square metres)	n/a
% of Gross Site	
	Required
PARKLAND	
5% money in lieu	YES
TREE SURVEY/ASSESSMENT	
	YES
MODEL BUILDING SCHEME	
	YES
HERITAGE SITE Retention	
	NO
BOUNDARY HEALTH Approval	
	NO
DEV. VARIANCE PERMIT required	
Road Length/Standards	YES
Works and Services	NO
Building Retention	YES
Others	NO

CONTOUR MAP FOR SUBJECT SITE

