

Originator's CD.21-OPG Files

#### **PDC** DEC 5 2011

**DATE:** November 22, 2011

**TO:** Chair and Members of Planning and Development Committee

Meeting Date: December 5, 2011

**FROM:** Gary Kent

Director, City Strategy and Innovations

**SUBJECT:** Inspiration Lakeview Project Update

**RECOMMENDATION:** That the report entitled "Inspiration Lakeview Project Update" dated

November 22, 2011 from the Director, City Strategy and Innovations

be received for information.

**REPORT SUMMARY:** This report provides an update on the ongoing initiatives related to

Inspiration Lakeview: A Vision, including: a summary of the

responses that have been received during the widespread circulation of the document to community groups, landowners, agencies and City of Mississauga departments (City); the Environmental Gap Analysis; the Master Planning work; the Memorandum of Understanding; the projects related to accessing the Western Pier; and the Lakefill

Feasibility Study.

**BACKGROUND:** The April 18, 2011, Planning and Development Committee (PDC)

report included the following recommendations which were approved

by Council:

1. That the Corporate Report entitled "Inspiration Lakeview: A

Vision and Next Steps", dated March 30, 2011, from the

Director, Strategic Community Initiatives be received.

2. That the accompanying report found in Appendix 1 entitled "*Inspiration Lakeview: A VISION*" dated March 11, 2011

prepared by Urban Strategies Inc. be received and form the

- basis of the next steps for the related project work including, but not limited to, the preparation of a Master Plan for the Inspiration Lakeview study area.
- 3. That Council direct staff to work in partnership with representatives from the Region of Peel, Toronto and Region Conservation, and Credit Valley Conservation to advance opportunities with respect to lakefill, as identified in the community vision, and described in this report.
- 4. That Council direct staff to complete a feasibility study for public access to the western pier on the Ontario Power Generation site in Lakeview, as identified in the community vision.

The purpose of this report is to update Planning and Development Committee on the various initiatives that are currently underway.

### PRESENT STATUS:

## 1. Widespread Circulation of Inspiration Lakeview: A Vision

The Inspiration Lakeview: A VISION (Vision) document, which was received by PDC and approved unanimously by Council April 18, 2011, was circulated to a number of agencies and stakeholders for formal comment. This feedback has been critical in determining and prioritizing the next steps and the work program.

The Vision was distributed to four groups of stakeholders:

- 1. Community groups;
- 2. Landowners;
- 3. Agencies;
- 4. City of Mississauga Departments.

## **Community groups:**

#### Port Credit Yacht Club

Comments dated June 21, 2011 indicate that the Port Credit Yacht Club (PCYC) sees an opportunity for the fill initiative to aid in the solution of the current water surge in the harbour area. Suggestions to study alternatives which may include the reconfiguration of the existing entrance should be reviewed.

The PCYC do not support the creation of islands using the fill as this may create great risk to navigation for boats. Assuming there would

be no lighting or aids to navigation these could be troublesome, particularly in the fog. In addition lights should be reinstated along the existing pier as was the case when the Lakeview power generating station was in operation.

There is a concern that the operation of small paddle boats in the harbour area, as has been suggested in the Vision report, may be a safety concern due to conflicting needs between this use and the larger vessels.

The PCYC would like to ensure that through the development of the Ontario Power Generation (OPG) lands their members always have access to the Club and would like to ensure partnership with the City to develop any future sailing /boating activities that may arise from this plan.

### Mississauga Canoe Club and other Clubs

Comments dated June 24, 2011 indicate that the Club endorses and support the concepts in the Vision around water and the creation of a destination place which includes kayaking and canoeing. The concept support sports tourism and should consider the development of a champion canoe kayak course in the development of the Master Plan. Comments from various canoe clubs such as the Balmy Beach Canoe Club, the Western Ontario Division of Canoe-Kayak Canada, and the Ontario Canoe Sprint Racing Affiliation also expressed support for the Vision and an interest in a race course as well as a large regatta.

#### **Land Owners:**

## **McKenna Logistics**

Comments dated May 31, 2011 from McKenna Logistics Centres (McKenna) suggest that the City rethink the proposed road south of the sewage treatment plant and develop a bike path that is not encumbered by vehicles. McKenna further suggests relocating the light rail transit (LRT) from its current location in the Vision further south so as not to divide the current industrial lands in half. Alternatively the Lakeshore Road East LRT should explore opportunities to move to the current bike path just south of Lakeshore Road.

## Diamondcorp

Comments dated June 24, 2011 from Diamondcorp are generally in support of the overall Vision.

## **Ontario Power Generation (OPG)**

Comments dated June 25, 2011 from OPG indicate that the Memorandum of Understanding (MOU) will establish an approach for the planning and development of the lands. While OPG have been a part of the visioning process they have not provided technical input to date and look forward to developing a shared vision with the City and the Province for OPG's Lakeview site.

Concerns have been expressed by OPG as the majority of the lands owned by OPG are anticipated to be used as parks, cultural, and cultural open space (approximately 90 acres) with about 30 acres considered for residential uses, 10 acres for institutional uses and about 5 acres for employment uses. In OPG's opinion this results in a substantial over contribution of parks and open space uses on OPG's Lakeview Site. As the low cost generator of electricity in Ontario, OPG has a responsibility to maximize the value of its assets. Through the future planning process and development of a shared vision OPG will be exploring ways to achieve value for Ontarians. Consideration should be given to the equitable treatment of the land for development to ensure one property owner is not unduly burdened by the over contribution of parks and open space. This may include consideration to compensating owners for over contribution of land/or giving consideration to intensive uses, including residential and employment consistent with the Provincial Growth Plan objectives of developing complete communities and optimizing infrastructure investments.

The opportunity to partner with OPG on district energy, waste to energy, and clean energy projects should be explored. Consistent with OPG's mandate of supplying efficient and cost –effective electricity to Ontarians, OPG looks forward to working with City staff at ways to include sustainable high efficiency forms in the vision.

OPG has also attached a chart of technical corrections to the vision document in their comments.

# **Agencies:**

## **Region of Peel**

Comments dated June 22, 2011 speak to the Peel Region G. E Booth (Lakeview) Wastewater Treatment Plan (WWTP) located east of the subject lands and currently serving the Region of Peel and well as York Region. The WWTP currently has capacity to accommodate planned growth to 2031. An expansion of the plant may be required beyond 2031. In addition the Region recommends a buffer of 150 metres from the WWTP, which does not need to be in the Regions ownership, to any sensitive lands use.

The Region of Peel's Lakeview Water Treatment Plan (WTP) is located west, adjacent to the subject lands. The Region recommends a minimum of 70 m separation distance from any sensitive land uses.

The Lakefill initiative is supported by the Region however the Region cautions that the availability of fill materials, which forms the basis for the physical and financial support, will be directly related to the timing of major Regional infrastructure projects already underway or imminent.

Opportunities to incorporate policy for diverse housing supply including a broad range of affordable rental and ownership housing for low and moderate income households should be sought through the Master Planning process.

Concerns in regards to the loss of the employment lands and the coordination of the City's population forecast, will be monitored by the Region and should be addressed through the Master Planning process.

## **Credit Valley Conservation (CVC)**

CVC staff request that the existing extent of the hazardous lands be referenced in the base maps, as outlined in the Lake Ontario Shoreline Hazards (September 2005) report for the Master Plan studies. It should be noted that the proposed works contemplated by the Vision would significantly alter the shoreline natural hazards. Supporting technical studies will be required to determine the future delineation of the natural hazards.

While the background study and Vision reference general opportunities for restoration of the natural environment, specific opportunities for ecological restoration, enhancement and connectivity should be identified through the Master Planning process.

The day-lighting and re-alignment of the Serson Creek corridor from Lake Ontario to Lakeshore Road East is supported by CVC. Opportunities to remove private property from the existing Serson Creek and Applewood Creek flood hazards should be explored through this review and coordinated with any planned improvements to Lakeshore Road East. CVC recommends the replacement of undersized culverts below Lakeshore Road East should be identified as capital projects to reduce the risk of flooding. Opportunities to comprehensively address the restoration of the creek environment north of Lakeshore Road East through the Ontario Hydro Corridor should be explored.

CVC staff wish to continue to participate and assist in the supporting technical studies to develop the Master Plan.

#### **Enersource**

Enersouce suggests developing a prioritization/rationalization exercise to determine the appropriate energy technologies to be used for the overall site. Enersource would be pleased to be a partner regarding clean energy technologies, particularly to bring deep water district cooling to the site. Consideration could also be given to developing a combined cycle heat and power plant utilization steam for district heating.

#### **Peel District School Board**

The Board is supportive of the Vision presented however will require proposed population ranges and unit type, density and numbers to forecast the educational requirements for the study area.

## **Dufferin-Peel Catholic District School Board**

The Board is supportive of the Vision presented however will require proposed population ranges and unit type, density and numbers to forecast the educational requirements for the study area.

## **City Departments Comments:**

## **City Manager's Office (Economic Development)**

Comments dated June 21, 2011 indicate that the vision is a well-balanced and innovative approach to future urban development. It recognizes the need for multiple opportunities for a variety of employment. Further input into the Master Planning process is suggested.

## **Planning and Building**

Comments dated June 30, 2011 indicate that the proposal requires an amendment to Mississauga's Official Plan Policies and for the Lakeview Local Area Plan. The Master Plan should be tied into and coordinate with the Mississauga Official Plan and the Lakeview Local Area Plan, particularly with the policies pertaining to the Vision and Guiding Principles developed with the community. The plan should also coordinate with the Green Development Strategy and the Living Green Master Plan, as examples.

Planning staff have noted that through the Master Plan process appropriate allocation of future growth to the subject lands will have to be addressed. City wide implications on additional population and employment will have to be studied and addressed through this process.

Planning staff suggest the following studies should be completed as part of the Master Planning process: a detailed Land Use Study, Servicing and Sustainability Study, Phase 2 Municipal Comprehensive Review, Phasing and Relocation Plan and Strategy for existing business and employment uses, Land Use Compatibility and Wastewater Emission Study, Environmental/Geotechnical Review and Testing Study, and a Development charges/Levy Study/Section 37 Study.

The process of preparing a Master Plan needs to address how it will be implemented through the Official Plan and Zoning. The Master Plan should address the appropriate uses along the Lake Ontario shoreline, given the hazard land, environmental protection, and restoration issues.

## **Community Services**

Comments dated July 12, 2011 indicate that Community Services will require further detailed information on proposed population and density of the proposed area in addition to the planned parkland and open space areas, uses, locations, configuration and relationship to surrounding land uses; the boulevard treatment from the street tree perspective and implications on other community infrastructure and services.

Consideration should be given to include links to the following documents through the master planning process: Cultural Plan, Cycling Master Plan, and Future Directions Master Plan for Recreation; Parks and Natural Areas, Waterfront Parks Strategy and the Green Development Master Plan which speaks to a City-wide energy plan to avoid duplication.

Concern has been expressed in regards to the Lakeside Drive through the Arsenal Lands to the south of the Small Arms Building, as there are several historically significant remnants in this area. When developing the transportation links the historically significance of the land should be taken into consideration.

#### **Transportation and Works**

Comments dated July 4, 2011 indicate that through the Master Planning process, a more detailed examination of the environmental concerns, in addition to a review of the multi-modal transportation requirements to support the ultimate land use vision should be undertaken. Further studies should include a Functional Servicing Study that addresses storm, sanitary and water.

In addition the Master Plan should also consider and make reference to the Mississauga Water Quality Control Strategy Update; the Mississauga Green Development Strategy Stage One Green Development Standards; CVC and Toronto and Region Conservation Authority (TRCA) Low Impact development Stormwater Management Planning and Design Guide. This document will lend technical guidance on the development of stormwater management techniques and complimentary stormwater management opportunities.

#### 2. Environmental Information on OPG site

OPG has released a number of environmental studies to the City. As per the conditions in the Memorandum of Understanding (MoU), City staff who will be directly involved in their review have signed a confidentiality agreement. The City has contracted Golder Associates as the consultant to review all of the existing environmental studies, prepare a Gap Analysis reviewing the studies in context with Vision, and outline an action plan for next steps. It is anticipated that Golder's report will be completed in December, 2011. The Gap Analysis will inform the next steps with respect to the Master Plan studies, and reviewing the feasibility of access to the Western Pier.

It should be noted that in 2012, after the completion of the environmental Gap Analysis, additional testing may be required. It is also the intent to complete a risk assessment with the intention to pursue interim uses on the site.

## 3. Master Planning Work

The next step in the Inspiration Lakeview process is to use the Vision as a basis for development of a workable Master Plan. The purpose of the Master Plan is to refine the Vision and test its major assumptions in order to produce a plan that can be the basis for the preparation of implementing policy at the municipal level.

Urban Strategies Inc. will continue assisting the Inspiration Lakeview Team with the next phase of Master Planning work, which includes technical and planning related studies. The widespread circulation comments and the environmental Gap Analysis results will influence the work program that is currently in the process of being refined with Urban Strategies Inc. The Master Planning stage will also be tied into the MoU discussions with the Province of Ontario (Province) and OPG as the 'shared vision' is developed. As the Master Planning work will be directly affected by the results of the Gap Analysis, it is anticipated that the momentum of the Master Planning work will be increased in December 2011, with the majority of work in 2012 and early 2013.

In the spirit of the first stage of work on Inspiration Lakeview, the next stage will include a detailed review of existing issues, and a more focussed look at land use, servicing, transportation, open space/public realm, economic modelling. Workshops and meetings with stakeholders will continue throughout the next phase.

# 4. Memorandum of Understanding (MoU)

The City met with OPG and the Province of Ontario through the Ministry of Energy (Province) in the first quarterly MoU meeting on August 11, 2011. It was agreed that the Urban Strategies Master Plan Studies will assist the City, OPG and the Province in the development of a shared vision. The goal is that this document would be the 'shared vision' approved by all three parties.

The Province and OPG are also in general agreement with the City's work plan on the various initiatives identified in this report. The approval of the work plan for the first quarter was given by the MoU team and is attached as Appendix 1, a higher level workplan for the whole project is also included in Appendix 1.

All parties have agreed, given the pace of the project, to meet monthly instead of quarterly.

A site access agreement has been finalized, as part of the MoU, which allows the City and its consultants to enter the OPG site for non-invasive work (site reviews, photo studies, visual analysis). The next quarterly meeting is scheduled for December 13, 2011.

#### 5. Access to Western Pier

As identified in the Vision, access to the western pier on the OPG property would provide an opportunity for the public, and would build on the existing connection the community has with the Lake via Lakefront Promenade. Once the Environmental Gap Analysis is complete, the next step will include preparing a feasibility study that looks at existing conditions, design options, approvals required, costs, management considerations, etc. so that the Leadership Team and Council will have a full perspective on the scope and financial commitment required.

The 2012-2014 budget process includes a Budget Request with anticipated costs based on the City's experience and costs for the

development of the Imperial Oil trail and the Port Credit Harbour (JJ Plaus pier). The cost for this initiative will vary greatly depending on the results of the Gap Analysis and the information on the resulting site conditions. This information will affect the amount of work required to bring the access route to a point where it is safe for the public, and to where the City is comfortable with assuming liability. For example, there will be a substantial difference in costs if the site requires minimal work and fencing and a relatively straight forward approval process, compared to the requirement for additional testing (which will require contractors on site and additional access agreements with OPG), complicated approvals, and extensive environmental mitigation work (similar to the 'capping' that was done on the Imperial Oil trail, or the complete concrete re-surfacing that was done on the JJ Plaus pier). If the feasibility studies are favourable the City would have to approach OPG for a licence agreement similar to those covering the park at the north end of the OPG property. For perspective the land portion of the trail would be 1.5 kilometres in length, and the concrete pier is 360 metres in length (by approx. 10 metres wide). The total length of the trail would be approximately four times the length of the Imperial Oil trail. The length of the trail could be shortened with the use of a bridge connecting Lakefront Promenade Park to the OPG site, and this alternative, as well as others will be reviewed in the feasibility study. Staff from Community Services, Park Development, have been involved in the preliminary discussions about the project and will continue to be involved as the project progresses.

# 6. Lakefill Feasibility Study

Credit Valley Conservation (CVC), Toronto and Regional Conservation Authority (TRCA), the Region of Peel, and the City are working together to look at the feasibility of lakefill (south of the sewage treatment facility), as identified in the Vision, with the goal of providing increased environmental habitat and recreational opportunities. The lakefill would provide direct access from the OPG lands to Marie Curtis Park/Arsenals property to the east, completing a missing lakeshore link in the waterfront trail. The public provided positive feedback in response to the lakefill idea and will continue to be consulted. The City is providing strategic leadership and ensuring that the initiative remains true to the objectives of Inspiration Lakeview; CVC is providing scientific expertise and regulatory

guidance as the initiative is primarily in their jurisdiction; TRCA is providing technical expertise; and the Region is funding the study.

On August 17, 2011, TRCA and CVC held a workshop with community stakeholders and the local Councillor, and the response to the proposed initiative was extremely positive. The feasibility report is scheduled for completion in November 2011, at which time a recommendation will be made as to whether to proceed or not with the next step of initiating an Environmental Assessment (EA) process. An internal sub team from Strategic Community Initiatives and Planning, Development and Business Services (Community Services) will continue to work with the partners as the project moves forward into the EA process. A report on the results of the feasibility study is expected at Regional Council on November 24, 2011.

The Environmental Review, Master Plan Studies, Pier Access and the Lakefill Feasibility Study are all running concurrently. As more information comes in (such as the Gap Analysis) work plans can be better defined and next steps can be determined in greater detail, however, a preliminary timeline of the initiatives and next steps is attached to this report in Appendix 1: High Level Work Plan.

## 7. District Energy

Preliminary work has begun on District Energy (DE) and its application to the Vision. On September 9, 2011, a meeting took place with representatives of OPG, Enersource and the City with respect to DE. The purpose of the meeting was to solicit feedback from both agencies on:

- a) the mandate of each organization when it comes to DE;
- b) opportunities for DE in Mississauga;
- c) Energy sources and energy models;
- d) Governance Structures for DE.

With respect to the Vision, OPG indicated that their mandate focuses on thermal power and is not interested in having a "customer interface" with end use consumers when it comes to DE. However, OPG is interested in exploring the possibility of a Combined Heat and Power DE Facility that would accommodate future development on the Inspiration Lakeview lands. Building on their written comments

above, Enersource indicated that they are aware of DE technology; however, they are not interested in being an operator and/or a distributor of DE. They do, however, see themselves as a potential investor. DE in Lakeview will be pursued through the working team that now includes OPG, Enersource, the Region of Peel and the City.

#### **COMMENTS:**

There will be a continued need for a cross-departmental Core Team and sub teams, to work with OPG, the Province, the Federal Government, the Region of Peel, CVC, TRCA, the community and all stakeholders, as the initiatives identified above move forward. The organization of the project will include:

**Inspiration Lakeview Core Team**: The Core Team will be responsible for developing the Master Plan.

**Environmental Sub Team:** All the environmental study done to date was in context of running a power generating station whereas the Vision proposed a different future for the lands. The Sub Team would consist of staff from Strategic Community Initiatives, Environmental Services (Transportation and Works), and Legal Services as required.

Memorandum of Understanding (MOU) Sub Team: The existing MOU sub team, consisting of representatives from Legal Services, Strategic Community Initiatives, representatives from the Province and OPG are required to meet quarterly during the development of the Shared Vision. Communications staff are needed as required.

Access to Western Pier Sub Team: Access to the Western Pier would add a substantial asset to the Parks system. The sub team would consist of Strategic Community Initiatives, Environmental Services (Transportation and Works), and Park Development (Community Services) for the majority of tasks with assistance from Legal Services, Realty Services and Risk Management as required.

**Lakefill Feasibility Study Sub Team:** The City, the Region of Peel, TRCA, and CVC are working cooperatively to complete the fill feasibility study. The feasibility study will be complete late fall of 2011 and presented to respective Councils and Boards prior to proceeding with the EA. A sub team, including Community Services staff, will be established to participate in the process.

In addition, a government relations strategy will be developed to assist Council in maximizing partnerships and investments.

## **STRATEGIC PLAN:**

The Strategic Pillar for Change, 'Prosper', identifies the visionary action "We will create a model sustainable community on the waterfront". The revitalization of the Lakeview lands provides an opportunity to embrace this Strategic Goal and the related actions in each Strategic Pillar for Change with initiatives that are aligned with creating a mixed-use, vibrant, integrated, sustainable community.

#### **FINANCIAL IMPACT:**

Funding for the various initiatives has been approved in the 2011 budget process. A budget request for 2012 has been submitted for \$710,000, including staff costs to complete the outstanding work described above, including the feasibility study for the Pier, but not including construction.

#### **CONCLUSION:**

The revitalization of the OPG lands into a vibrant, mixed use, sustainable waterfront community is an ambitious goal, and will require a concerted effort by dedicated teams of staff and outside consultants – working with various levels of Government, agencies from the public and private sector, and community stakeholders. The City has developed an excellent working relationship with the Province and OPG as part of the MoU discussions, and will continue to advance the initiatives in the same spirit of cooperation. The improvements to the OPG site will leave a legacy for future generations. This project allows Council to continue being proactive to shape the city's future waterfront as a sustainable community, exemplifying international best practices.

#### **ATTACHMENTS:**

Appendix 1: First Quarter and High Level Work Plan

Gary Kent, Director, City Strategy and Innovations

Prepared By: Lorenzo Ruffini, Strategic Leader

# **MOU Work Plan Description**

4<sup>th</sup> Quarter of 2011 City of Mississauga, Ontario Power Generation and Province of Ontario August 11<sup>th</sup>, 2011

#### MASTER PLAN

- The City circulated the Inspiration Lakeview Vision document to various agencies and stakeholders for formal comments. These comments were received and are currently being reviewed to assist in determining and prioritizing the next steps. All the comments to be forwarded to the Province and OPG by the City on August 17<sup>th</sup>, 2011.
- Urban Strategies will continue assisting the Inspiration Lakeview Team with the next phase of Master Planning work, which includes technical and planning related studies. Planned workplan will be circulated early October.
- A project update report which will include comments on the widespread vision circulation will be going to Council in November, 2011.
- Work on the Master Plan will begin in December of 2011, once the results of the environmental gap analysis are available.

#### **ENVIRONMENTAL REVIEW**

- The City is in the process of reviewing proposals for the Environmental Gap Analysis. The successful consultant will review the existing studies, provided to the City by OPG through the MOU, in the context of the Inspiration Lakeview Vision, undertaking a Phase I Environmental Site Assessment (ESA) for the Study Area, and outlining the next steps.
- The contract for this work will be awarded in late August, 2011 and the completion date will be known after the award has been made.
- The Gap Analysis will inform the next steps for Access to the Western Pier, and the Master Plan studies.

### PIER ACCESS

- When the City receives the results of the Environmental Review Gap Analysis, work on Pier Access feasibility can begin.
- The next steps will include preparing a feasibility study that looks at the existing conditions, design options, approvals required, costs and other related consideration that would provide a full perspective on the scope, commitment, and resources required.

#### LAKEFILL FEASIBILITY STUDY

- TRCA and CVC are in the process of conducting background research and preparing the preliminary draft of assessment which will be ready in September of 2011.
- The bathometric surveys should be complete by August 26, 2011.
- TRCA and CVC have also been continuing with their stakeholder engagement and consultation
- TRCA and CVC have scheduled a meeting with OPG for August 31, 2011 for an update on the Feasibility Study status.
- The feasibility report is scheduled for completion in November of 2011, at which time a recommendation will be made as to whether to proceed or not with the next step of initiating an Environmental Assessment process.
- After feasibility study, next steps including any specific studies would be discussed at the MOU table.

#### SITE ACCESS AGREEMENT

- To be finalized as soon as possible.
- For both the Master Plan and pier access when a statement of work is finalized, City staff will engage OPG to ensure the issue of access is acceptable.

# **High Level Work Plan**

2011 2012 2013 2014 **ENVIRONMETAL GAP ANALYSIS** (October 2011 to December 2011) Receive Gap → Decision on **Gap Analysis** Analysis **Next Steps** Work & Circulate **INSPIRATION LAKEVIEW MASTER PLAN** (Fall 2011 to Spring 2014) **Environmental Gap Execute Master** Master Plan Studies: E.g. Servicing, Transportation, Economic Modelling, Land Use, Open Space & Public Realm **Analysis** Plan Widespread Vision Circulation **MEMORANDUM OF UNDERSTANDING** (Present to June 2014) **OPG** recommends Develop and agree to a work plan that will move the City, Province, and OPG towards agreement on a Shared Vision for the OPG lands. ownership option to their Board PIER FEASIBILITY STUDY (January 2012 to May 2012) > Decision on Receive Gap Feasibility Study Work **Next Steps** Analysis LAKEFILL FEASIBILITY STUDY (Present to Fall 2011) Stakeholder **Final Feasibility** Decision to go to Engagement Study Report EA or not