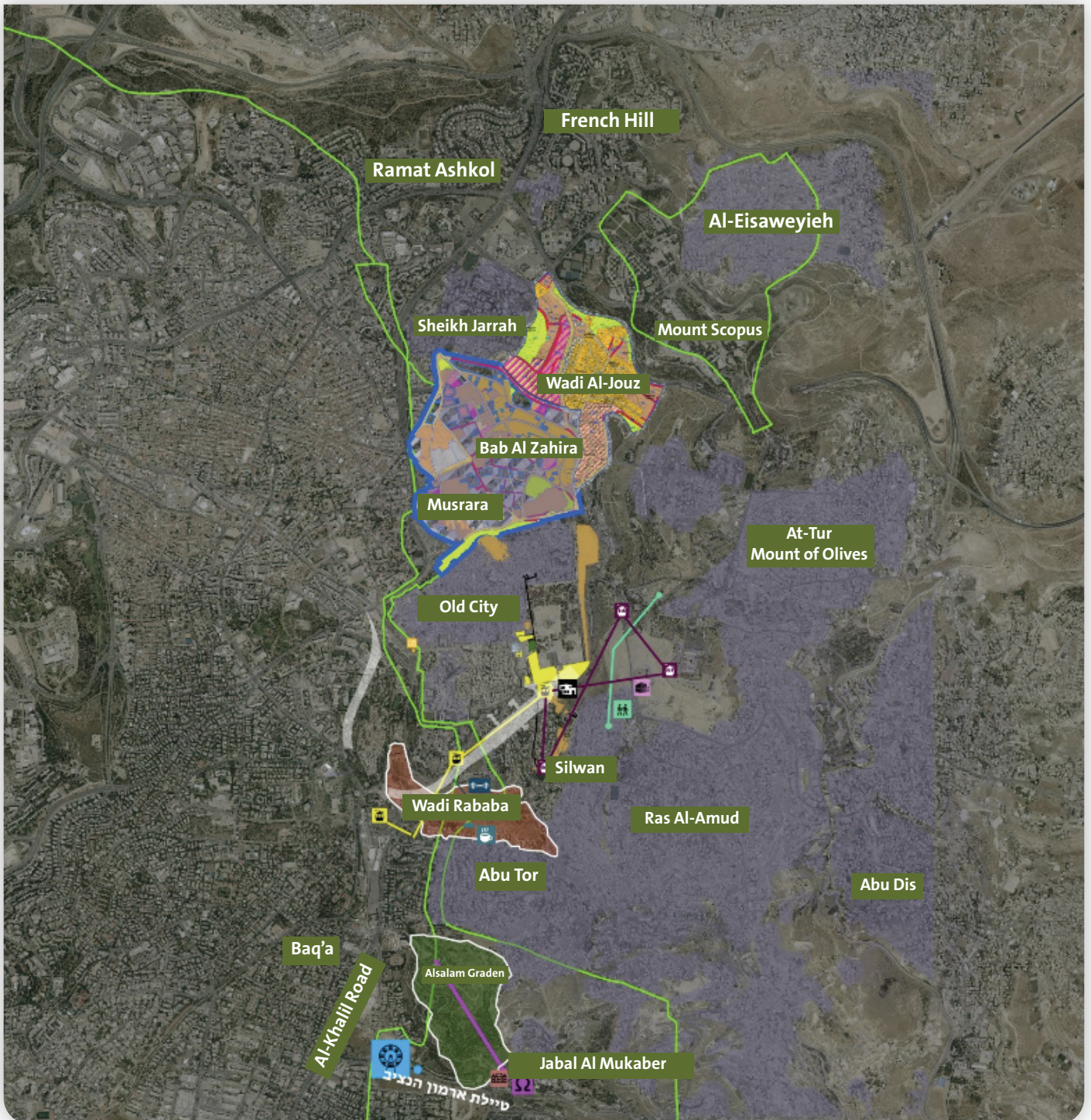




# East Jerusalem City Centre Plan

## Study and analysis

Bab Az-Zahira – Masa'oudia  
Plan Number: (101-0465229)





# HEINRICH BÖLL STIFTUNG

## PALESTINE AND JORDAN

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## 1. Summary

The study includes a professional analysis of plan No. 101-0456229 (according to the numbering of the Planning Department within the Ministry of the Interior - Israel) called "East Jerusalem City Center " covering "Bab Az-Zahira & Al-Masa'oudia" neighborhood.

The study was conducted by the Arab Center for Alternative Planning in partnership with the Heinrich Boell Foundation - Palestine and Jordan , and in cooperation with Palestinian institutions and associations involved in planning activities in East Jerusalem in general, and the effects of the plan on the neighborhood and its population.

The plan covers an area of 707 dunams located in the Bab Az-Zahira and the-Al-Masa'oudia neighborhoods in East Jerusalem. Based on the proclamations of its initiators, the plan aims to "preserve the planning rights, develop and regulate the area of economic businesses" in Eastern Jerusalem. The study was based on the information included in the documents of the plan that were posted on the Israeli Planning Directorate's website.

The study formed the backbone of a detailed objection to the plan submitted to the District Planning Committee of Jerusalem by the Arab Center for Alternative Planning, the Jerusalem Center for Human Rights, and the St. Yves Society.

The following is a summary of the major shortcomings of the plan:

1. Excluding the general public from participation in the planning process, thus excluding them from the opportunity to influence the plan during the preparation phase and before announcing it for objections;
2. Restricting the number of floors allowed to be built and reduce vertical expansion in the neighborhood;
3. Allowing only a low percentage of buildings allowed within the zone of the plan;
4. Restricting the number of housing units (apartments) within the plan's zone so that it can't accommodate the natural growth of the neighborhood's population;
5. Abusing the principles of distributive and spatial justice (when comparing restricted building rights with comparable neighborhoods in Western Jerusalem);
6. Violating the property ownership rights of public institutions within the plan's zone by authorizing confiscation of their properties to the benefit of Jerusalem Municipality;

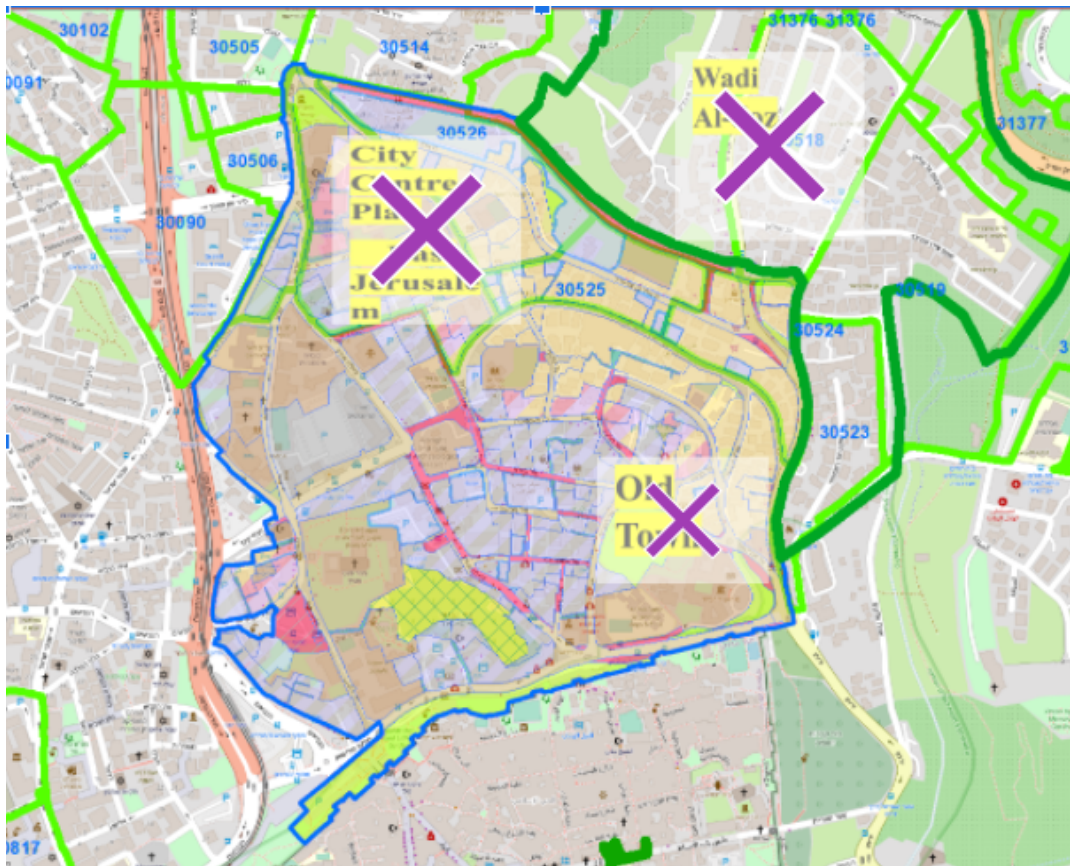


- 7.** Falsely creating debts on property owners under the pretext of effecting development and therefore liability to improvement tax without any real economic justification;
- 8.** A flexible definition of "substantial violation" of the plan's guidelines so that almost any minor maintenance work in the neighborhood might need a detailed plan promoted with the district planning committee;
- 9.** Tough requirements for issuing building permits, in addition to broad and unlimited powers for the city engineer;
- 10.** Social, economic, environmental and transportation surveys and public aspirations from the plan have not been conducted/published, as is the norm in similar "Urban Renewal" plans and projects;
- 11.** No investment / financial plan has been published aiming at developing the physical infrastructure and invest in the development of municipal services in the plan's zone;
- 12.** Guidance and instructions for the transition period (between the present and the future until the plan takes effect) have not been formulated and published;
- 13.** General urban concerns did not receive adequate attention in the documents of the plan such as employment, public buildings, environmental considerations.



## 2. Introduction

The study deals with plan No. 101-0456229, - called: "East Jerusalem City Center" (hereinafter: the plan). Land designations in the plan's region are shown in the following sketch (including residential, mixed urban, public buildings and institutions, cemeteries,



The area of the plan covers about 707 dunums. It covers a part of the historical neighborhood of "Bab Az-Zahira - Al-Masa'oudia" in East Jerusalem. The major objective of the plan, based on the proclamation of its initiators, is to "preserve planning rights, develop and regulate the business district in the eastern part of the city, including the addition of building expanses and the adoption of directives and instructions to regulate the development of the area."

Although the plan applies to an area of 707 dunums, the total area within its outer perimeter reaches 758 dunums. This means that there are about 50 dunums within the outer boundary of the plan upon which it does not apply (because individual / spot plans have already been approved). The plan was studied and analyzed (and then challenged by an objection submitted to the District Planning Committee of Jerusalem) based on the information published in the Planning Directorate's website (which is a department of the Israeli Ministry of the Interior).



### **3. Social and economic characteristics of the plan's zone**

The plan's zone includes most of the area of Bab Az-Zahira neighborhood. The data in the publications of the Jerusalem Institute for Policy Research illustrate the social and economic characteristics of the neighborhood.

The area of the neighborhood (i.e. "Bab Az-Zahira - Al-Masa'oudia" according to the names used by Jerusalem Municipality) is about 804 dunums, and the population in 2018 was about 6070 which means that the population density in the neighborhood was 7,500 inhabitants per square kilometer.

With regard to land settlement and registration in the neighborhood, 579 dunums of the area have never been settled / registered; 176 were settled during the Jordanian rule and only 49 were settled after 1967.

The natural growth rate of the population in 2018 was about 2.2%. The region's socio-economic ranking in 2015 was "2", close to the bottom of the socio-economic index of localities adopted in Israel (ranging from 1 to 10).

The age distribution of the population is as follows: 30.4% of the age of 0-14, 23.7% of the age of 20-34, and 7.2% above 65-year-old.

In 2018, the number of housing units in the area reached 1,224 , with a total area of 93,225 square meters, meaning that the average housing unit area reached est. 76 square meters, and the area of living est. 15 square meters per person. Also, there were 1,531 commercial units covering a total area of 258,853 square meters, according to the survey conducted in the year 2019.

### **4. Reasons for opposing the "East Jerusalem City Center" plan**

The plan's authors did not involve the population of East Jerusalem (and particularly the residents of the area to which it applies) in its preparation therefore the local residents did not have the opportunity to present their needs or expectations from the plan, the land uses within the area of its validity, the quality of life it offers, and the municipal services and infrastructure.

Furthermore, the plan's guidelines impose severe restrictions on building and development rights in the area. These restrictions are represented in setting low rates of building, imposing various restrictions that limit investment opportunities in the area and the residents' exploitation of their properties, the accumulation of bureaucratic difficulties and obstacles that prevent the area's residents from developing their properties, in addition to imposing heavy financial taxes on real estate owners.



The following is a review of the instructions imposed by the plan that lead to obstruction and restriction of opportunities for building and development of properties located within its zone, as well as the needs and requirements that would reduce the adverse impact of the plan on the population

### 5. Restricting the number of floors

The plan's instructions in Table 5 (Table of Proposed Building Rights and Instructions) state that the number of floors that can be built within the plan's zone ranges between 2 to 5 floors, and for buildings with tiled roofs, the maximum number of floors allowed is only three. The maximum number of floors for residential buildings is only 4.

There is no doubt that limiting the number of floors will constitute an obstacle to the development of the area, and will prevent it from being transformed into a vibrant city center, and thus it will not be possible to attract residents to live or invest in commercial interests in the area, as the plan proclaims.

### 6. Low permitted building percentage

The permitted building percentage (in reference to the land parcel area), according to Table 5 of the plan's guidelines, is remarkably low compared to similar areas in Jerusalem - such as the City Center in West Jerusalem. The table below shows the (theoretical) permitted building percentages

Land designation	Area of land designated (dunums)	Total Building percentage (relative to parcel area)	Percentage for Major Use	percentage of utilities building percentage (stairs, parking lots, etc.)
Housing	109	100-160%	85-120%	15-40%
Housing, employment and tourism	33	65-225%	50-180%	15-45%
Mixed Urban	146	160-325%	135-280%	25-45%
Public institutions and public buildings	156	115-225%	100-180%	15-45%





for different land designations within the plan:

In most cases, it will be impossible to exploit the full "theoretical" building rights granted by the plan, i.e., even the low percentage of building allowed is uncertain, and is usually subject to various restrictions.

The Local Planning Committee (an administrative branch of the Jerusalem municipality) has broad powers in licensing and exploiting the building rights stipulated in the plan's guidelines, including the right to refuse to grant such rights entirely as it sees fit.

## **7. The need to increase housing units**

Undoubtedly, it is necessary to increase the number of residential units allowed in the plan's zone due to the following reasons:

A. The natural growth rate of the population in the region is up to 2.2% annually (based on 2018 data). This means doubling the population during the plan's duration (30 years). Moreover, the data show that the positive internal migration of Bab Az-Zahira neighborhood reached 1.15% in 2018, which requires a significant increase in the number of housing units allowed to be built in the plan's zone;

B. It is necessary to allow the expansion of existing apartments in the area in order to improve the quality of living conditions. The residential living area in Bab Az-Zahira neighborhood is only 15 meters per person, which is considered overcrowded compared to residential neighborhoods in Western Jerusalem.

C. Any plan that seeks urban renewal, including organizing existing building or increasing housing opportunities must include a significant addition of housing units in order to encourage and attract population to live in the area designated for urban renewal. Usually the old and historical city centers are more like "ghost" cities in the evening and night hours, because most businesses close their doors at these hours. The process of "settling" people in these historical areas is a goal in itself, as it would contribute to introducing life during the evening and night hours in these areas. Therefore, it is necessary to allow building for housing along with other land uses such as trade, employment, tourism and others.

## **8. Violation of distributive and spatial justice Principles**

Limited building rights granted by the plan constitute a violation of the foundations of urban and modern planning norms, namely: the principles of distributive and spatial justice.

The violation of these two principles is evident when comparing the "theoretical" building rights granted in the plan with the building rights granted in the "City Center" of West Jerusalem", bearing in mind the short distance between them. The building rights (permitted building



percentage, number of floors) in the two centers were compared.

The comparison shows that in West Jerusalem city center the permitted building percentages are often more than 700%, and some of them reach about 1200%. The maximum number of floors ranges between 13-9 floors.

It can be estimated that the maximum building rights in East Jerusalem city center amount to approximately one third (33%) of the allowed building rights in Western city center.





The table below presents the gaps between Bab Az-Zahira (East Jerusalem city center) West Jerusalem city center (Jaffa Street) - comparison of housing data and demographic characteristics between the two areas:

Jaffa Street	Bab Az-Zahira	Characteristic
971	804	Area (Dunums)
6,450	6,070	Population (2018)
31.2	24.5	Median Age (years)
2	2	Socio-Economic Ranking
6,650	7,550	Population Density (person / sq. meter)
4,225	1,224	Number of apartments
290,181	93,225	Total Residential Area
69	77	Mean Area of Residential Unit (sq. meter)
45	15	Mean Living Area (sq. meter per person)

By examining the data in the above table, the wide gaps between the two neighboring centers in almost all the physical and social characteristics are apparent. The gap in the living area per person (an important indicator of the quality of life and the well-being of the residents) between the two areas is enormous reaching est. 300% in the West compared to its counterpart in Bab Az-Zahira. The number of housing units in the western city center is 345% compared to the number of housing units in the eastern city center.

There should be a substantial increase in building rights in the plan's zone to allow the addition of new housing units that matches the population growth in the area, as well as the expansion of existing apartments in order to improve housing welfare and to achieve distributive and spatial justice.

## 9. Violation of the property rights of public institutions

The implementation of the plan's guidelines leads to a massive violation of the property rights of community and public institutions that own lands and public buildings within the plan's zone, such as: educational and cultural institutions, health services, religious services, cemeteries and others.

The plan's instructions state that after the plan is approved, the local planning committee has the authority to expropriate the areas designated in the plan for public buildings and institutions and transfer their ownership to the Jerusalem municipality.



The lands threatened by expropriation include a number of old communal institutions (part of which are historical) that have existed for a long time. The ownership of these lands is registered as collective ownership (associations or charitable institutions) or as endowment lands (according to the Ottoman Land Law - waqf lands).

There is no doubt that the confiscation of areas that include public institutions will harm the services provided by these institutions to the public, and therefore they strongly reject the confiscation of their property in order to continue providing the services to the general public in accordance with their goals and terms.

It must be emphasized that the plan should not serve as a pretext to seize communal land, confiscate it from its historical owners, who are providing community and civil services using it.

## **10. Imposing unjustified improvement tax**

The plan's guidelines impose an improvement tax on real estate located within its zone as a condition for the issuance of building permits by the local planning committee.

In fact, the plan does not add building rights and does not effect real improvement and betterment of the properties and real estate. According to the Israeli Planning and Building Law, the improvement tax is imposed on real estate when its owners apply for building permits to carry out building and development works, as well as when requesting the use of the property for uses not included in the classification of the property, or when the property owner requests a permit for unfamiliar use of the premise.

Since the plan includes defining building rights and classifying new land and its uses that differ from the current situation and use objectives, it is certain that the approval of the plan will be used as a tool to impose a comprehensive improvement tax on real estate for one reason or another.

The plan does not improve the value of existing properties in the neighborhood. So property owners should not be required to pay the improvement tax, but rather be granted an exemption from paying any fees or taxes that result from the plan.

It is important to note that several guidelines of the plan lead to a decrease in the value of real estate and buildings. For example, restrictions due to preservation of real estate and buildings (in the context of historical preservation), which also include restrictions on additions to existing buildings, prohibition of renovations to these buildings, and bureaucratic procedures for applying for permits for these buildings and real estate, would adversely affect the value of real estate and buildings.

## **11. Sweeping definition of the term “non-compliance with the plan's instructions”**



The plan's guidelines adopted an expanded definition of non-compliance (violation of the plan's instructions). This creates difficulties and bureaucratic obstacles that landlords will encounter when they apply for building permits for small and limited works on their properties. Usually, limited works or deviation from the guidelines do not require much effort to obtain a license from the local planning committee. But after defining any minor deviation from the guidelines as "extreme violation of the plan", the applicant for a permits should prepare a detailed plan that includes the work for which the permit is requested and submit it to the district planning committee, with all the hardships and high costs involved.

This trend is in contradiction to the ongoing general trend in the planning system, which grants independence and wide powers to local committees with regard to granting waivers for minor building and development violations (provided that the comprehensive structural plan is approved, as in the case of the city center plan).

## **12. Tough conditions for the issuance of building permits**

A review of the conditions for issuing building permits to property owners shows that they include 29 main conditions and - 5 other secondary conditions. Each major and minor condition includes various professional sub-requirements.

Certain conditions for issuing building permits are vague, which leads to the possibility of giving arbitrary interpretations to each of them, and this reality leads to spreading ambiguity, obscurity, and lack of transparency in the process of issuing permits.

Moreover, the guidelines grant almost unlimited power to the city engineer with regard to the requirements for issuing building permits, which he might misuse and therefore pile obstacles in the process of licensing.

## **13. Freezing development under the pretext of "preservation"**

The plan's guidelines use preservation of buildings and real estate as an excuse to restrict and limit opportunities for construction and development, instead of trying to balance between development and construction on the one hand and the preservation of historical buildings and real estate on the other.

Therefore, the plan will impede effective urbanization and urban renewal: that is to preserve the advantages and characteristics of the existing conditions and to contribute to facilitating licensing procedures and granting building permits for renewal and development.

In general, the issue of building preservation is connected to the social/cultural background of the urban fabric in which these buildings are located. It requires involving



representatives of the public in the process of setting standards for the preservation of the buildings chosen, especially architects, engineers, historians, clergy and others. In addition, no criteria were developed to choose the buildings suitable for preservation and the public was not involved in the process altogether. The plan's guidelines also stated that the responsibility for selecting the buildings for preservation falls within the sweeping powers of the city engineer; also, departure from the preservation requirements was included within the long list of "extreme deviations" from the plan's guidelines (which demand the troublesome preparation of detailed plan for any minor work or maintenance).

#### **14. Not conducting/publishing field surveys of physical/social features**

It is common practice in urban renewal to conduct professional and comprehensive surveys in the neighborhoods undergoing the process. These surveys aim to represent, study and analyze the existing conditions in the locality, in addition to identifying the weaknesses and challenges on the one hand, and to know the strengths, and potential opportunities on the other. Such survey reports and findings are attached to the detailed planning documents which assist in formulating planning alternatives and decision-making.

The concluding impression after reviewing the plan's documents and annexes, is that they focus on "concrete and stone" (especially in the preservation section), and completely ignore important components of the social, cultural and demographic characteristics of the urban fabric.

In the modern era of "smart cities", efforts in urban planning are focused on raising and improving the quality of life of the residents, by creating an environment of competitive interests, and ensuring conditions for the sustainable development of the city (City Resilience & Sustainability). In the plan's documents for these objectives there is no mention of this.

It was expected that preparing the plan would initiate studies and examinations of the transportation in the neighborhood (private and public transportation), because it suffers from major traffic jams, in addition to the parking crisis. It was supposed to be the starting point of organizing the existing streets, adding public transportation and offering solutions to the rest of the existing problems.

In addition, the plan documents did not address, in an actual and systematic way, the issue of involving the public in preparing and developing the plan. The issue of public participation in the planning process has become a universal tradition, although the law (in Israel) does not impose this. It is worth noting that the process of public participation is an important step in democratizing the planning process, and would also contribute significantly to planning outcomes that meet the expectations, desires and needs of the population.



As mentioned earlier, it is of great importance to conduct economic, social and environmental surveys at the beginning of the planning process for the purpose of describing and understanding the current situation and trying to predict future needs. Unfortunately, such surveys were not published in the documents and appendices of the plan. There is also no comprehensive document that addresses the needs of housing, employment, public buildings and public recreation space for appropriate land allocation

### **15. Lack of an accompanying financial plan for investment**

The plan's zone suffers from lack of modern infrastructure. Most of the infrastructure in the area is old and unmaintained. Therefore, in order to truly develop the region, as the plan proclaims, there should be considerable investment in upgrading the infrastructure and bring it to normal functioning. It should be noticed that during the lifetime of the plan (30 years), the standards currently adopted with regard to municipal infrastructure and systems will change dramatically due to the requirements of modernization and scientific and technological development.

It is no coincidence that the plan documents did not address the physical and social aspect aspects necessary for the development and modernization of the plan's zone, as. As it did not address the direct financial investments needed to implement the development and modernization process. Although the proclaimed objectives of the plan paint a bright future for the region, the plan still needs to guarantee financial resources to implement its objectives.

The Jerusalem municipality must allocate the financial resources required to develop and modernize the area and to improve and develop its infrastructure, especially since the neighborhood is an old area built on private lands. Therefore, a development scheme should be an integral part of the plan in order to carry out the infrastructure and other public works

### **16. Lack of guidelines for the transition period**

The plan applies to the old urban fabric that was built and developed through long historical periods. This means that construction in the area, for the most part, was not in accordance with adequate and professional laws and instructions. In most aspects, the existing urban fabric is in conflict with the guidelines included in the plan (e.g., building percentages, number of floors, mixed uses of land, etc.).

Therefore, "flexible" instructions must be developed for the plan, in order to ensure the continuation of normal way of life during the transitional period, with the aim of helping the residents and property owners to adapt to the new plan and its instructions. This



applies, in particular, to commercial uses (such as crafts and trade in residential areas) that cannot be grouped into one properly designated area during the implementation period of the plan, as well as commercial buildings and interests without building permits in order to protect them from demolition and others.

Therefore, it is important that the municipal authorities do not impose on the residents and property owners any fines and taxes (because of the conflict between existing conditions and the new guidelines), and that the residents and property owners are given the opportunities to adapt the existing situation to the requirements of the incoming plan.

## **17. Objections to General Issues**

There are many other problematic issues that require attention and need to be included in the objections to the plan. Many public and professional institutions and bodies, as well as property owners in the planned area, raise other objections that are not mentioned in this study. Nevertheless, here is a list of a few additional objections, which we will briefly address, and which will be expanded upon later during the presentation of the objections in front of the planning committee:

### **A. Distorted definition of historic buildings**

The Plan instructions define "historic building" as "a building with full or partial facades built before 1967".

This definition is distorted because it attributes historical value to any building based on its erection date, and not according to its own characteristics (urban, aesthetic and physical). This definition is problematic and bears various consequences, because defining buildings as historic imposes complex requirements on their owners that entail very high costs for submitting applications for building permits, strengthening buildings, making changes to them, demolishing them, or carrying out any other work in buildings defined as "historic buildings."

Therefore, it is necessary to revise the definition of "historic buildings" in the plan's guidelines.

### **B. Neglecting the cultural aspects related to protected buildings**

Designating buildings and structures for preservation should be based on an in-depth study of the cultural, social and religious characteristics that reflect the past and the present of the plan's zone in the eyes of the local residents and those concerned with the plan. Unfortunately, the issue of "protected buildings" is reflected in the plan's documents





as a technical process centered on stone, concrete and physical aspects only, and not as a process that reflects the perception of the population and the cultural heritage that characterizes the area. In general, this issue requires a comprehensive review of the plan in terms of protected buildings, especially since this issue is considered one of the central issue in the plan.

### **C. The need to increase public spaces for the well-being of the population**

The results of field surveys that were conducted throughout Jerusalem (west and east), show that the area of public spaces allocated to the individual is 4.4 square meters in Arab neighborhoods, while it reaches 9.6 square meters per person in Jewish neighborhoods. That is a gap of up to 120%. The plan does not refer to this huge gap nor does it provide any remedy to the lack of public spaces in the plan's zone.

### **D. Allocating limited employment area**

The area of the existing employment spaces in Bab Al-Zahira area reaches 280,500 thousand square meters.

The area designated for trade and employment in the plan's zone is not sufficient and does not lead to a significant and profound change in the plan's contribution to the development of a commercial center in East Jerusalem. It should be noted that it is important to increase the area of trade and employment to serve as an economic center for the region in particular, and for East Jerusalem in general by building employment spaces, economic development and creating job opportunities for the Arab population in East Jerusalem, especially to promote women employment.

## **18. Summary and conclusions**

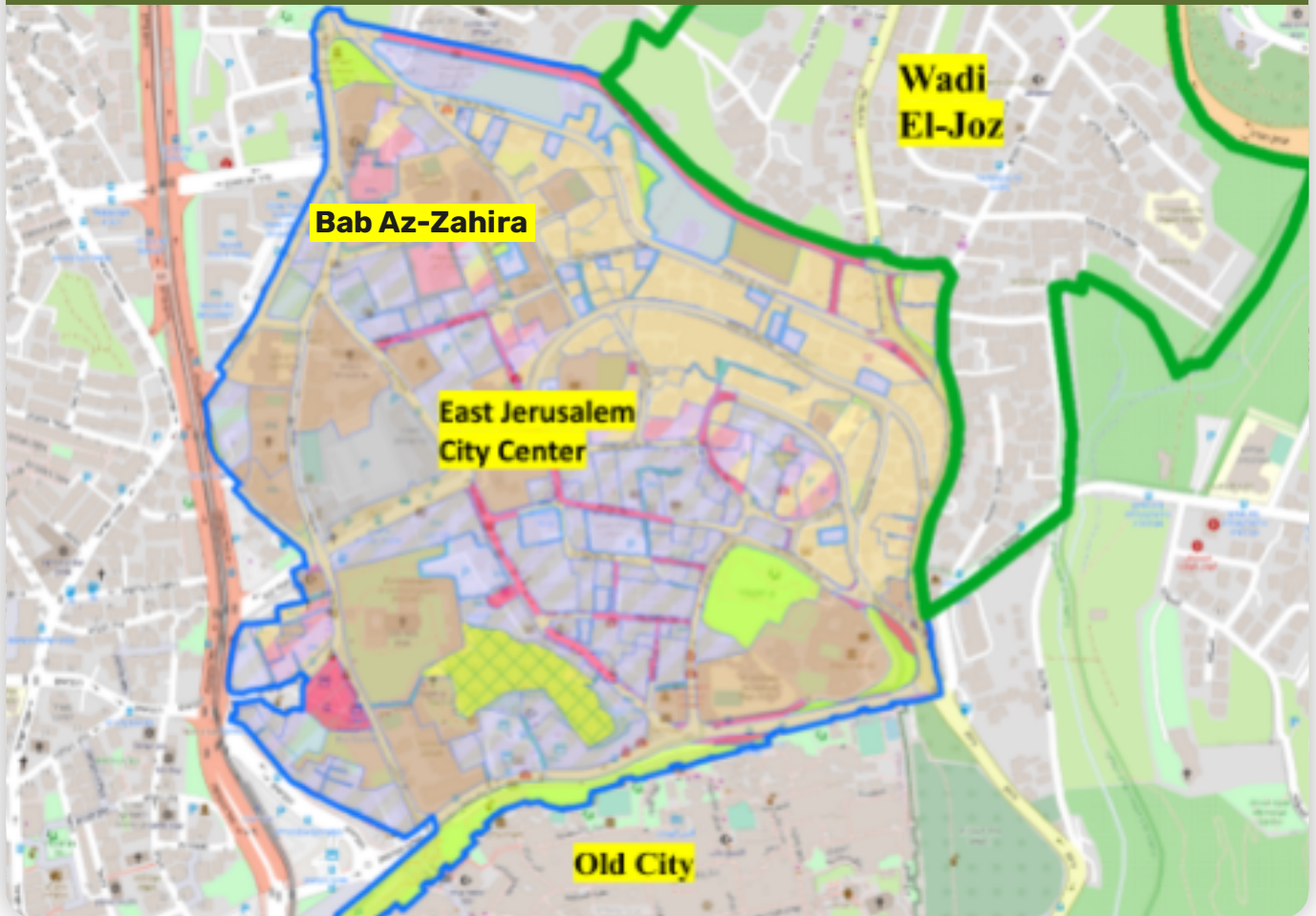
In conclusion, the East Jerusalem city center plan does not constitute an opportunity for development, but rather puts obstacles and impediments to the advancement of the area to which it applies. No measures are offered by the plan to tackle the housing plight and lack of adequate housing solutions for the present and projected population. Also, employment and business development needs do not find answers in the plan's land uses and guidelines. The threat of confiscation of public lands and buildings that the plan produces make it unbearable and harmful.

Therefore, it is very natural to demand and insist on preparing an alternative plan with active and effective participation of the public and those concerned with the plan's zone, in a manner that reflects their needs and aspirations for a respectful and meaningful life.



## City Center Plan - East Jerusalem (Bab Az-Zahira - Al-Masoudia)

Plan Number: 101-0465229



On October 23, 2020, the Jerusalem District Planning Committee (The Israeli Ministry of Interior) deposited plan No. 101-0465229 and named it "East Jerusalem City Center" (hereinafter: the plan).

The plan applies to an area of 689 dunums in East Jerusalem, specifically to the "Bab Al-Zahira - Al-Masoudia" neighborhood. It extends from Sultan-Suleiman Street (along the walls of the Old City) in the south, to Othman-bin-Affan Street in the north, and from Wadi Al-Joz Street in the east to the longitudinal road separating between West Jerusalem and East Jerusalem (named Road No. 1).



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The Arab Center for Alternative Planning  
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