



Andromeda Hill is a gated community. and Jaffa's Arabs will be left outside the wall

By Aryeh Dayan

A lawsuit filed about a 18 months ago in the Tel Aviv Magistrate's Court, which since then has been proceeding sluggishly and far from the public eye, provides an interesting peek at the local reality in Jaffa

-and also constitutes a microcosm of Israeli existence. The respondent in the case is the owner of the Andromeda Hill project, a giant luxury complex, including residential and holiday rental apartments and sports and entertainment facilities, in the heart of Jaffa. The owner is being sued by a group of Jaffa residents, mostly Arabs and some Jews, living in nearby neighborhoods.

The residents' main demand is that the project owner allow them and the rest of the residents of Jaffa to move freely along the streets within the Andromeda compound. The construction plans for Andromeda Hill did say that the company running the project must provide such transit, between Yefet Street and the beach. This clause was put into the project plans to meet the explicit demand of the Tel Aviv-Jaffa Municipality.

Nonetheless, Andromeda Hill is essentially a gated community, surrounded by either a fence or a wall on all sides. A security guard and an electronic gate at the community's only entrance, on Yefet Street, keep outsiders away. Some 10 Jaffa residents testify in affidavits appended to the lawsuit that the security guard has kept them out of Andromeda. If the lawsuit is not resolved shortly, it is liable to get worse: Not long ago, the complainants discovered that the project owner had asked the municipality to cancel the clause requiring them to allow free passage and that the city council, which also serves as the local planning and construction committee, had already approved the request. However, the cancellation of the free passage clause will go into effect only if approved by the district planning and construction committee; if this happens, Jaffa residents are expected to petition the High Court of Justice against the decision.

The protests didn't help

The Andromeda Hill project was born at the end of the 1980s (when Shlomo Lahat was the mayor); construction began in 1995 (during Roni Milo's mayoralty), and the first residents moved in during the term of the present mayor, Ron Huldai, in 2000. Through all these terms of office, the project has consistently remained controversial, and has tainted relations between the municipality and the Arab population in Jaffa since 1989. That was when Canadian businessman Murray Goldman and the Greek Orthodox Patriarchate in Israel came to an agreement whereby Goldman was to receive rights to 16.7 dunams owned by the church in Jaffa, in exchange for 34 percent of the income from the Andromeda apartments.

When the existence of the agreement became public, it generated a storm of protest among Jaffa's Arabs.

"These are sacred lands, which Christian Palestinians dedicated to the church so it would use them for the good of the community," said one of the complainants, Sami Bukhari, a 41-year-old art teacher from the Ajami neighborhood of Jaffa, which borders Andromeda Hill. "The Palestinian population of Jaffa suffers today from a serious housing crisis. Even steady middle-income earners, who might have been able to purchase a small apartment, are in tough straits because there are no apartments in Jaffa and because, unlike their Jewish neighbor, they can't move to Tel Aviv or Bat Yam. What angers the population is that despite this situation, the church has preferred to build a fancy project for millionaires who will come from outside Jaffa."

But residents' protests had no effect, and the patriarchate signed the deal with Goldman.

The struggle resumed in 1992, when the municipality and planning councils were asked to change the land use and approve the construction plans the Andromeda owner had prepared. This time Jaffa residents went beyond holding rallies, exerting political pressure and submitting some 200 reservations to Goldman's construction plans. The reservations were rejected, but the pressure led officials to insert clauses into the construction plans obligating the Andromeda complex to have four entrances for pedestrians that would be open to those who don't live in the complex and to have paths leading from the entrances to a "600-meter public square from which there will be a view of the sea."

The project owner was also obligated to improve the appearance of the part of Yefet Street next to Andromeda and construct a 300-meter public building on the street, on 700 meters of land that would become a public garden. The building was to be used as a community center or school, and the land was to be leased to the municipality for 99 years.

Since the plans were approved, the project has changed hands twice, but none of the owners has done anything to carry out these obligations. Goldman sold the project to the Ilan Gat Investments company in 1995, owned by Udi Ilan and Yoel Gat. That company built the first phase of the project, but at the end of 2000, with the beginning of the real estate crisis that accompanied the start of the intifada, the project encountered serious difficulties. Jews from abroad, the target buyers of the luxury apartments, were deterred from purchasing homes in Israel and wealthy Israelis were deterred from buying in Jaffa.

As the real estate crisis worsened, Ilan and Gat decided to get rid of the burdensome project. Businessman Haim Geyer, who bought the project in exchange for settling the previous owners' bank debts, which came to NIS 110 million, is the current Andromeda owner. The last year saw a recovery in the real estate market, including in Jaffa, and Geyer plans to add two new buildings to the project next year. Of the nine projected Andromeda buildings, which are expected to house 269 apartments, 186 apartments in five buildings have already been built, and most are occupied. The builders long ago completed what is necessary to supply residents with good quality of life, including a swimming pool, gym, cafe and parking lot.

The construction of the public buildings the project owner is committed to build, however, has yet to begin. The building meant to be handed over to the municipality has not yet gone up, the view of the sea cannot yet be seen, the four entrances and paths meant to lead to the viewpoint are not yet ready, and the gate and security guard at the Yefet Street entrance have made freedom of passage a theoretical concept.

And the municipality, which has never attempted to compel the project owners to fulfill their obligations, is now agreeing to free them altogether from their commitment to allow free entry to the Andromeda complex.

`Irritating' lawsuit

The lawsuit, which was prepared by attorneys Dori Spivak and Hisham Shabita of the human rights clinic in Tel Aviv University's law school, argues that keeping non-Andromeda residents out of the project is meant, among other things, to serve the project owner's unacceptable corporate policy. The lawsuit quotes the company marketing Andromeda Hill and its Web site, in which it says: "Andromeda Hill is a virtual `city within a city' surrounded by a wall and secured 24 hours a day." Rejecting the right of passage, the complainants say, is illegal and advances a commercial policy that harms the residents of Jaffa and the fragile web of relations that binds them.

"The Arabs of Jaffa feel besieged because they have no option of purchasing apartments in Tel Aviv, Bat Yam or Rishon Letzion," said Dr. Moussa Abou Ramadan, a Haifa University law professor who lives in Jaffa and is one of the complainants. "The Andromeda project adds a feeling of internal besiegement to this feeling of external besiegement. [Andromeda Hill] is considered a walled fortress built with the purpose of keeping the Arabs out of parts of Jaffa so that the rich Jews can enjoy the magic of the sunset in Jaffa without seeing Arabs." He said the freedom to enter the Andromeda complex is important in theory as well as in practice. "The right of passage," he said, "is necessary to thwart this racist plan."

Bukhari, the art teacher, sees Andromeda Hill as a settlement. "A closed compound with a guard at the entrance, whose residents are sealed off from the city around them and the community that lives in the city, is in my eyes a settlement," he said. "They didn't come to Andromeda to contribute to Jaffa, but to convert Jaffa into Tel Aviv." He said Jaffa residents must be allowed into the complex so as to deter other businessmen planning to build similar projects. "I don't want to go in there at all and I won't go in there, because I have nothing to do there," he said. "I want the court to recognize my right to go in there because it's very important to me to clarify that it will be impossible to establish in Jaffa another project for Jews who don't want to see Arabs. This is a phenomenon that must be stopped. Someone must explain to the Andromeda residents that there are other people with rights in Jaffa."

Louis and Susan Williams are a Jewish couple who moved here from England in the 1950s. When he worked as an economist in the Finance Ministry and at the Hebrew University of Jerusalem, they lived in Jerusalem and in Ramat Hasharon. About 10 years ago, they moved to the Ajami neighborhood in Jaffa, where they rent a house not far from Andromeda. "Three or four years ago," said Williams, "a rumor went around that the residents of Andromeda were complaining that the church bells were bothering them on Sundays. I got the impression that the people living there came to Jaffa but want Jaffa to stop being Jaffa. My wife and I decided to check this out from inside and went there, with our Anglo-Saxon faces and accents, to find out about renting an apartment.

"A nice woman showed us the project and brought us onto the balcony, where you can see all Jaffa. Suddenly she pointed to one of the streets close to the project and said that based on an agreement between Andromeda and the municipality, Arabs won't be allowed to live past that road. I looked at my wife, my wife looked at me and we both decided to keep quiet.

It was clear to me that this was nonsense, because the Tel Aviv Municipality can't keep Arabs from living even in Dizengoff Square. The problem is that they really promise Jews from abroad an apartment in Jaffa in an area without Arabs."

Andromeda owner Haim Geyer refused to be interviewed for this article, calling the lawsuit "irritating" and saying it was "filed by people who are using the Tel Aviv University law school to advance a political agenda." The Andromeda response to the lawsuit, which was written by attorneys Hagit Bavli and Rani Cohen from the Yigal Arnon law firm, says the four entrances have not been built because the project owner encountered difficulties that led to a halt in construction "as a result of the security and economic situation." As a result, they write, "the situation today is that about half the project is built, and the rest of the project land is ditches that have been dug and are awaiting better days, as are many areas in Jaffa and other places." The ditches and the "security situation," they write, has created a "necessity" for the guard at the entrance. They say the security guards have been instructed to allow entry to anyone who does not arouse security-related suspicions, and add that the Andromeda project is not responsible for problems caused by the security company, writing: "If incidents took place in which the security company hired by the project did not act according to defined regulations and prevented anyone from entering the project, then these things were not carried out with the instructions of the respondent or in its behalf."

Spivak and Shabita asked for information on negotiations the Andromeda owner had held with the municipality in an effort to keep Jaffa residents out, but their adversaries, Bavli and Cohen, have refused to hand over the information. Doron Sapir, the deputy mayor and chairman of the local planning and construction council, confirmed that the municipality and Andromeda had discussed closing the gate to Jaffa residents. He said the local council had approved a new plan that frees Andromeda of its obligation to allow residents into the project, and that the plan will be brought to the district council for approval.

According to the new plan, said Sapir, the public garden Andromeda is to build on Yefet Street will double in size, the number of parking spots allotted to the public in the Andromeda parking lot will increase ... and Jaffa residents will have no right to pass through the compound.

"All these decisions were made out of planning considerations only," said Sapir. The planning consideration that led to canceling the freedom of passage involves what he calls the "shrinking of the project," as a result of financial difficulties. However, he ignores the fact that this shrinking is not expressed in the new plan and so does not obligate the project owners in the future.

"According to the original plan," said Sapir, "the project was meant to be bigger than what has actually been built. After it was shrunk, we concluded that the public will not gain anything from the freedom of passage. Basically, the public has no reason to be in the inner courtyards of the project. We think it's better for [the public] to exchange the freedom of passage for the increase in the size of the garden."