

The Old Highlands

(Hayward)

1914 - 1997

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ANCIENT HISTORY

The Old Highlands was originally subdivided in 1914 as the "Hayward Home Farm Tract." It was a tract destined to initial failure. The rugged terrain, menial dirt paths and lack of a reliable water table were to prove to be effective deterrents to all but the most hardy pioneers.

But pioneers did come. The typical homestead had an inexpensive frame house, a cow, some chickens and, to keep the weeds under control, a goat. This unmistakable signature of the early homesteads led the condescending merchants of neighboring Hayward to refer to the area as Goat Hill; a name that was to endure for generations.

THE EMERGENCE OF A NEIGHBORHOOD

In 1933, bound together by common needs and common interests, 23 residents of Goat Hill formed THE HAYWARD HIGHLANDS ASSOCIATION. The association formed their own water district and volunteer fire district. In addition, property for a meeting hall on Hayward Boulevard was donated with, among other stipulations, that the property be used for the benefit of the association and not for any individual profit and that the consumption of alcoholic beverages be prohibited.

A true sense of community had evolved in The Highlands and in the years ahead, the association proved a focal point for social events and for carrying out the necessary business of the neighborhood.

Some interesting relics from this period can still be found in The OLD HIGHLANDS, The small house at 2804 Hillcrest was the volunteer fire house of the association and was converted to a residence in 1976. The concrete covered remains of the community well can still be seen at the corner of Call Avenue and Tribune. The foundations of the water tanks are still apparent where the canyon crosses lower Parkside drive and on upper Chronicle.

Many of the members of The Hayward Highlands Association are still with us today; names like Borchers, Bond, Ingraham and Albert. They can re-weave countless stories from the past. They will tell you of watching unwary visitors bog down in the quagmire of dirt roads in the wintertime and of hauling their water in from nearby Hayward when the local supplies were low.

This placid but hardy lifestyle persisted on the outskirts of a growing Hayward for some 35 years; then, in 1957, with growing interest in the area, alleged faulty septic systems and an allegedly contaminated water supply, the county placed a building ban into effect. The association applied, for annexation to the city and was denied such annexation in 1958 on the grounds that the cost of supplying services would far exceed the tax revenues produced by the area. Goat Hill was essentially undevelopable.

THE DARK AGE

The 1960's ushered in changes to Hayward that were to plunge old Goat Hill into a period of trauma that will not soon be forgotten by its residents. The selection of the Hayward hills as the site for a new state university and the council's promise to provide a college community surrounding the - university, changed the perceived image of Goat Hill dramatically. The local merchants who once referred despairingly to "Goat Hill" now referred to it as "The Highlands" or the "college area," the neighborhood that had been denied annexation only a few short years earlier, was now bombarded with full color brochures extolling the many advantages of annexation and the profitability of the "college community plan" to the property owners. What the brochures could not predict was that the neighborhood was being led into what would prove to be 10 years of its darkest days.

The pioneer residents who were eminently qualified to deal with all the adversities that nature could summon were totally unprepared to deal with the adversities generated by socio-political change.

During this period, the Hayward Highlands Association became dominated by a new majority; a majority made up primarily of "outside" real estate investors, builders and land speculators. The protracted jousting match between this new association and the city along with the split within the association is a study in chaos and cannot be adequately described here.

The changes that took place during this 10 years of trauma are presented here in much simplified form.

The area was annexed to the city of Hayward. Sewer and water service was installed, but at a cost to residents far exceeding expectations. The neighborhood was zoned "High Density" against the recommendations of the planning department. More than 51% of the speculation property owners agreed to an assessment district for new streets to support the development of apartments.

The higher than anticipated sewer and water assessments coupled with soaring property taxes led to an increasing suspicion that all would not go well for the new aspirations for the neighborhood. When the street assessments were finally issued the residents were stunned at the magnitude of the costs, which in some instances exceeded 50% of the fair market value of the properties. A group of property owners took the assessment to court, a move which resulted in an out-of-court settlement providing for the widening of Hayward Boulevard and no future assessments for the remaining neighborhood streets.

1974 (the 60th birthday of The Hayward Home Farm Tract) found the neighborhood in a state of blight and decay. Both the land and its residents bore the scars of battle. The zoning was for apartments, but, with the exception of Hayward Boulevard, there would not be adequate streets to support such development. The fragmented ownership pattern and the difficult terrain provided significant obstacles to that type of development, even with an adequate street system. The neighborhood was geographically fragmented due to the anticipated apartment development along a widened Hayward Boulevard and The Hayward Highlands Association had, for all practical purposes, ceased to exist.

In 1974 (17 years after the original county building ban) the Hayward Home Farm Tract was once again undevelopable.

THE RENAISSANCE BEGINS

The last years of this dark age were bitter and blight ridden, yet during these last days, the seeds of a renaissance were being planted. Quietly and without fanfare or colored brochures, a few families began moving into the old homes, unknowingly, about to join ranks with those remaining families of The Hayward Home Farm Tract who had survived the storm of chaos.

In 1974, Dr. Sherman Lewis a political science professor at neighboring Cal-State University and the leader of the successful lawsuit against the street assessment district, called a local homeowners' meeting. A new association had been formed by the residents of the area some time after the Hayward Highlands Association fell prey to outside speculation and high density development interests. At this 1974 meeting the name of the new association was changed to THE OLD HIGHLAND HOMEOWNERS ASSOCIATION (OHHA). One topic of discussion at this meeting was what kind of compromise "Medium Density Zoning" might be appropriate for the area.

Life was quiet now in THE OLD HIGHLANDS, or THE HAYWARD HIGHLANDS, or GOAT HILL, or THE HAYWARD HOME FARM TRACT. Occasionally there was another new family moving in and starting to rebuild an old house and when downzoning discussions continued, it became apparent that the residents of the Old Highlands of this era possessed the same pioneering instincts and rugged individualism of their Goat Hill counterparts. They were not interested in a compromise zoning. They had moved there to raise their families in the last real rural environment in Hayward, "Single family" was the opinion. "Give it the old college try -- we can always compromise later" was now the OHHA stance.

Official negotiations between the OHHA and the City began in early 1976 and progressed at a very casual pace. Recent election had ushered in some favorable changes in Hayward City Government. A new mayor and two new council people, all thought to be more "tuned in" to neighborhoods, had changed the perceived complexion of the previous, wantonly development oriented council. Favorable words were heard but creation was definitely lacking and, in the Old Highlands, life was peaceful. Few people, if any realized the seemingly cosmic proportions of the effort that lay ahead.

THE ANATOMY OF BATTLE

During the Fall of 1976, an air of uneasiness began to hang over the Old Highlands. Action on the downzoning request had been minimal and at least one applicant had applied for high density construction and was denied only on the basis of his particular site plan, not on any general zoning basis. In January, 1977, another apartment application came before City Council. Notice of the hearing came to the neighborhood's attention only because a posting notice was found under a bush some 24 hours before the scheduled hearing.

A small group of Highlanders attended the hearing, armed only with hastily made Polaroid photos and an emotional plea for stable and workable zoning for the neighborhood. One member of the group told Council that he would "dedicate a significant portion of his resources to working for a sensible residential development plan for the area." The potential precedent setting apartment was voted down by a narrow 4 to 3 vote. Council placed a temporary moratorium on building while a study was conducted by an outside consultant to determine the economics of various kinds of development in the area.

It was a close call for the OHHA, but that hearing was to prove to be "the shot heard around the neighborhood." It was the catalyst that triggered massive involvement of the residents and which launched the OHHA into an offensive position.

Meetings were held immediately and plans were laid for an assault on "the city." Owners had agreed that they wanted the unique semi-rural environment of the Old Highlands saved, much like it had been saved in Woodside, Montclair, the Berkeley Hills and in other communities around the Bay. By the end of February, a 45-minute slide presentation had been assembled, complete with narrative covering history, safety and land values in these other Bay Area hillside communities. The applicability to the Old Highlands was striking. Council members and city staff were invited to meetings in the homes and were shown the slide show. Individual council members and staff raised various questions. Teams of OHHA people went to work researching those areas of concern and preparing appropriate rebuttals. The most often raised question was that of the financial impact of downzoning.

Lobbying continued and in March. An OHHA work session turned up an interesting fact. A lot-by-lot, owner-by-owner analysis showed that the Old Highlands was now occupied by a true majority of downzoning interest. No longer a minority interest giving it "the old college try," the OHHA felt a new surge of enthusiasm and "righteousness."

The Old Highlands were working at a fevered pitch now; learning and researching land values, construction costs, street safety statistics and accident rates. A neighborhood communication team could now get out the word and produce a sizable turnout for public hearings or lobbying sessions within 24 hours. The OHHA was beginning to feel its muscles growing. A favorable decision by the Hayward Public Services Commission served to further swell OHHA's hopes.

In the Summer of 1977, the city's long-awaited economic feasibility study was finally released. The results stunned the OHHA. The study showed the profitability of high density zoning to be 2-1/2 times that of single family zoning. The OHHA resources were now directed at rebutting these findings and eventually did show that the difference was not as large as the consultants had projected. A positive note from the study (that was overlooked by OHHA in its panic) was that, in the words of at least one council person, "The study shows that both types of development are profitable."

The rest of the Summer was consumed with interminable Planning Commission hearings which resulted in one of the worst and most impractical Planning Commission recommendations in Hayward's history. It was essentially an intermingling of high, medium and low density assigned on a lot-by-lot basis.

In September of 1977, the City Council work session was held and the strategy of the OHHA was to hold off a major demonstration of strength and to feel out Council's position. The

OHHA did distribute a comprehensive report containing its case and all of its research just prior to the hearing. The work session led to no final conclusion but the general atmosphere gave OHHA increased hopes once again.

The weeks between this work session and the public hearing of October 11, were once again weeks that saw the Old Highlanders working at a fevered pitch. Possible compromise solutions were in the offering. A large parcel here, a small section there; but the Highlanders would stay united and under no conditions become divided. Reports of OHHA studies were quickly Published and distributed to discredit possible compromises. Days and nights were filled with preparation for the big battle. The time was at hand to find out whether or not the 1500 or more hours of accumulated work would pay off for the residents of Old Goat Hill.

THE GLORY OF VICTORY

The feelings of the Old Highlanders on the night of October 11, 1977, are really beyond description here. They invaded the Council chambers with 200 plus participants; overflowing the chambers and the ante-room Council was bombarded with a 6-person organized presentation by the OHHA board of directors and by over 30 individuals speaking in favor of the downzoning and presenting an additional 60 proxy cards and statements for the public record. Victory was sweetened by a unanimous 7 to 0 council vote (the first unanimous vote in all of Highland history). The hills of the Hayward Home Farm Tract rang with the sounds of a victory party far into the morning hours.

A more formal victory party held in November found Council members and supporters and activists from other neighborhoods in attendance. The Council elections were only 5 months away now, and would find no less than eight of the Old highland residents serving on steering committees for aspiring candidates and many more residents involved as active campaign workers. The OHHA had not only emerged victorious, but the neighborhood had emerged as a new force in Hayward political life.

But complacency seems to be an option forbidden to the Old Highlanders and the unresolved question of how to deal with the old streets during the residential development ahead was still to be dealt with.

THE EMERGENCE OF
THE OLD HIGHLANDS MASTER PLAN
1978 - 1990

In December 1977, the Hayward Public Works Department issued a report containing recommendations for the Old Highland streets. In summary, the cost of the project would have been on the order of a million dollars (to be borne by the residents) and would have resulted in the total destruction of the Highlanders' coveted "semi-rural" environment.

The OHHA had developed expertise in many areas during their down zoning experience and now were faced with developing expertise in street design. The existing streets would not have been adequate from a safety or parking standpoint for the development that lay ahead. Yet, the Public Works plans were clearly not acceptable to the OHHA.

The OHHA summoned its engineering and technical forces to the conflict, and with another massive dose of work, research and design, a master plan for the neighborhood was developed. OHHA worked hard for 2-1/2 years prior to March of 1980 developing a plan for streets that would be agreeable to the neighborhood and the City. Before the adoption of the street plan by the City in 1980, streets were to be widened to 60 feet to service the high density building that had been waiting to take place in our neighborhood. After the neighborhood was down zoned to single family, the street plans were revamped.

The neighborhood very much wanted to keep the existing country look and to avoid the look and enormous high cost of Oakes Drive style streets. The one-way street system was devised so the narrow streets could remain. All of the one-way streets are 22 feet wide and on-street parking should be in designated parking lanes only. The two-way streets are mere 24 feet wide and have no parking on either side of the street. Tribune Ave., for instance, is a two-way with no parking on the street. Other improvements that were agreed upon by the neighborhood and the City, to be funded by a neighborhood Assessment District, were a surface storm drain system, 6"-lamp blacked vertical curbs and repaving. The neighborhood did not want sidewalks, but did opt for a walkway on the west side of Tribune from Parkside to Hayward Blvd., and that was to be paved with a material other than cement.

The Highlanders of the OHHA had pioneered their own master plan of zoning and neighborhood development, an act somewhat reminiscent of the Highlanders of the Hayward Highland Association of 1933, pioneering their own water system and fire district.

Between 1980 and 1989, there were two unsuccessful attempts by OHHA to try and organize an Assessment District for the neighborhood in order to pay for the agreed upon improvements. The OHHA Board felt that an Assessment District initiated by the neighborhood would be better than one dictated by the City. Fifty percent of the residents had to agree to it before the City would start any action, and the vast majority of homeowners were happy with the status quo, so nothing happened.

However, also during the early 1980s, the City adopted a "deferred improvement process." That process allowed a developer to construct a residence with the understanding that payment for required street improvements would be deferred until such time as the City "calls the agreements." These deferred agreements get passed on with the property if it's resold. The City's position was that when 50% of the properties had deferred agreements attached, the City could then call them in and establish an Assessment District and so ahead with street improvements whether the neighborhood wanted them or not.

THE STREET WARS BEGIN 1991-?

On March 27, 1991 at a meeting hosted by the City of Hayward at Old Highland School, the city announced that it was prepared to "call the agreements," and require Old Highland property owners to pay for curb and gutter, pavement and drainage improvements in line with the 1980 agreement, at a 1990 estimated cost of \$2.7 million. At this meeting the City informed property owners of their initial plans for implementing improvements. This news was met with great hostility by the homeowners present. Revolution was in the air!

In response to this meeting and previous discussions with the City, OHHA proposed the development of a Streets Task Force to address the various Issues and concerns around the proposed improvements.

In June, 1991 development of a formal Streets Task Force began. Those people who had expressed an interest in participating in a Task Force at the March 27, 1991, meeting were formally invited to this meeting. The Task Force met nine times over the next year, with six to twenty-five persons attending the meetings. It was decided to develop a questionnaire and the Questionnaire Subcommittee met every two weeks for 7 months. The survey that was developed included questions about demographics, parking, walkways, safety, cost and overall preferences. Neighbors were notified of the survey and on April 25, 1992 a full-day survey party was held at Highland School. A video of the neighborhood was shown and people attending the meeting were surveyed. Surveys were then distributed to property owners who had not attended the Survey Party. Of the 270 surveys sent out, 120 were completed 80 of those at the Survey Party. Between June and August, the results were tabulated and in August a final report was written and given to the OHHA Board.

The Board deliberated over the results of the surveys and formulated the following recommendations which were supported at the 1993 OHHA General Meeting. These recommendations were then forwarded to City Hall.

The position Of the Old Highlands Homeowners Association is that the residents of our neighborhood want the rural atmosphere of our neighborhood protected. These are our recommendations:

- A. Only where it is clearly necessary to prevent erosion and other drainage problems, drainage systems need be installed These should be as unobtrusive as circumstances permit and should interfere as little as possible with off-street parking. Uniform drainage systems throughout the area are not wanted; standard concrete curbs are not wanted. Drainage systems should be selected to blend with the immediate surroundings. Asphalt swales or curbs are preferred to concrete; swales are preferred to curbs.
- B. Repair potholes and damaged areas in the roadbed as damage occurs.
- C. Rather than a major construction project to make Civic and lower Dobbel Avenues. safe for the heavy traffic flow up Dobbel Ave., divert traffic from Civic Ave. onto Spencer Lane by constructing a traffic barrier between Spencer Lane and Cotati Ave. This would eliminate the need for costly widening at Dobbel and Civic Avenues. while restoring some quality of life to this area as was done previously on Highland Blvd. and lower Hayward Blvd.
- D. Post prominent signs at the foot of Parkside and Tribune Avenues. and on Civic Ave. just past the shopping center, saying "Old Highlands District, 20 m.p.h. Observe One-Way Signs." Also post "Slow" signs at several points along Parkside, Tribune, Hillcrest, Grandview and New Dobbel Avenues.; and post a "No Outlet Sign" on Grandview Ave. at the top of Cotati Ave.
- E. Define parking lanes with paint, post additional "No Parking" and speed limit signs and strenuously enforce existing parking and speed laws.

- F. At least partially fund work to be done on a city-wide tax basis.
- G. Structure any assessment district required for road improvements in the Old Highlands on a per lot basis, with later lot subdivisions decreasing the cost to all lots in the district.
- H. Give property owners over 65 years of age with combined household incomes of less than \$25,000 per year the opportunity to defer any required payments until their property changes hands.

It was further decided at the 1993 General Meeting that there should be a specific street-by-street, lot-by-lot analysis of the neighborhood focusing on needs for improved drainage, parking, safety, walkways, ongoing maintenance, traffic flow and lighting. Again, people showed passive resistance and nothing happened.

The OHHA Board then determined that any information collected would be out of date if the City didn't act immediately so, in 1994, another plan was developed for a quick evaluation of the streets. Enlarged maps and specific questions were prepared. This material is in a file folder waiting for the moment the City says they are ready to begin repairing our streets.

In the meantime the City was doing its own thing under the Public Works command of Bob Bauman and basically ignoring the Master Plan or the 1993 Streets Position. This came to light after a curb and sidewalk appeared at the corner of New Dobbel and Cotati in 1994.

Apparently, in a new strategy to disarm us, Mr. Bauman reported that the new City policy is that all projects in the Old Highlands are now reviewed individually to determine whether or not the city will request a deferred agreement. They will not grant a deferred agreement if, in their opinion, it would open the City to liability to do so. The OHHA Board met with Jesus Armas, the City Manager, to protest this infringement of our "rights." Compromises were sought. Mr. Armas suggested that the City might be willing to reconsider the nature of the improvements that would be required, independent of the question of forming an assessment district.

Mr. Armas said that the City was willing to consider replacing the requirement for a vertical curb with a requirement of rolled concrete curbs if that is what is preferred by the neighborhood. At the January, 1995, General Meeting, the neighborhood voted on three issues regarding the streets and the results were forwarded to Mr. Armas. OHHA preferred rolled curbs of asphalt composition and vertical curbs only where drainage and safety require them. OHHA also voted to keep walkways just as described in our Master Plan. Since that information was given to the City, rolled concrete curbs without driveway cuts have appeared here and there.

TWO DECADES OF STRUGGLE FOR STATUS QUO 1977-1997

One might think that all the street business taking place in the Old Highlands would be enough trouble for any one neighborhood, but after the down zoning in 1977 to single family residential another set of problems was to appear. The Old Highlands was an island of homes in a sea of potential apartments and condominiums. The zoning of Hayward Blvd. as high density residential was an anomaly that was to plague the Old Highlands for ensuing decades.

By 1978 OHHA was feeling its strength and its reputation as an Association not to be taken lightly. Many developers jumped at the chance to develop Hayward Blvd. and OHHA was in an almost perpetual state of fighting for its defense

who was going to build a 6-story, 138-unit complex on the site now occupied by Hillcrest Apts. (Chronicle and Call) The lawsuit was lost, but the Futer Project was never started. OHHA was left with a debt of \$15,000 (that it finally repaid by 1994) and a formidable reputation. The City, by 1982, made sure that any developer with intentions to build next to our neighborhood was put in contact with the OHHA Board.

During the years of 1986 to 1989, the Board worked diligently on a Buffer Zone Ordinance that would protect our neighborhood from such severe impact as high density apartments looming above our view lines. Hand in hand with this were efforts to downzone Hayward Blvd. to medium density. We spoke at Council meetings, we got other hillside association involved, we invited Council Members to Board meetings. In the end, the buffer zone idea was pigeon-holed somewhere in City Hall, but parcels of land west of Call Ave. were changed to single family residential. Only homes on upper Chronicle were now safe from apartment invasion.

By 1991, the City was getting the idea that building in the hills was a bit different than building on the flatlands and with the development of Walpert Ridge in mind, they initiated workshops to develop some guidelines for construction. Two Board members attended and participated in these workshops. Hillside Design Guidelines were adopted by the City but the end result was less than we had hoped for. View rights, solar rights and buffers were not addressed. However, height restrictions were established along with rules involving grading and retaining walls that must be followed whether a single family home or an apartment complex is being built.

OHHA remains in the position of having to defend its boundaries from condominium encroachment. The last great battle ended in 1993 after the neighborhood rallied together, to protest the placement of a 34-unit condominium driveway on lower Tribune Ave. That development was denied by City Council after listening to OHHA's arguments which were supported by a great showing of homeowners. There is still all the undeveloped land on Hayward Blvd. between Parkside Dr. and the Hillcrest Apts. to keep our neighborhood concern alive. However, our position is stronger with the current City government. All developers in the past five years have been told to deal with OHHA first. we are not against development, but we are for our neighborhood, and we're hard to please!

EPILOG

The character of the Old Highlands has always been shaped by its residents. Attempts by outsiders to legislate or negotiate its character have met with dismal failure. The peaceful and hardy lifestyle of its "county" days and the chaotic drama of "the college community plan" days probably represent the extremes of the character of life in this neighborhood.

But what of the Old Highlands of tomorrow? What will its character be? No one can really say, because, as history has taught us, it will be shaped by its residents and two-thirds of those residents are not yet here. If the "new" Old Highlanders possess the traits of individualism dominant in past Highland generations, then the Old Highlands will truly be in good hands.

With its overall density of 4 homes per gross acre, its splendid views and its rich but turbulent heritages, the Old Highlands promises to continue to be the most unique neighborhood in all of Hayward.

The Old Highlands is your neighborhood; respect it, as it is truly deserving, rally to its defense when necessary and, above all, enjoy its natural beauty because you can't duplicate it anywhere else in Hayward.

WELCOME TO THE OLD HIGHLANDS!

SUMMARY OF OLD HIGHLAND HISTORY

- 1914 Hayward Home Farm Tract Formed (Goat Hill)
- 1933 Hayward Highlands Association Formed
- 1957 County Building Ban Due to Single Family home building
- 1958 Area applies For Annexation
- 1959 Turned Down As "Unprofitable"
- 1962 California State College Accepts Hayward
- 1963 Hayward "Coaxes" Old Highlands Into City --
Promises College a "College Community"
- 1965 College Down-Scopes Its Student Body Expectations --
Traffic Study Initiated, Building ban Continues
- 1967 Sewer & water hooked Up -- Council Extends Ban
- 1968 Council Votes Assessment District For Streets
- 1970 Council Grants RH Zoning
- 1970 Council Rescinds RH due to Legal Problems
- 1971 Council Reinstates RH Zoning
- 1972 Assessments Issued
- 1973 Lawsuit "Kills" Assessment District
- 1974 Compromise Solution Allows for Widening of Hayward Boulevard
- 1976 Down-Zone Request by Homeowners -- Consultant Study Contracted
- 1977 Council Votes 7 - 0 For RS Zoning & rescinds College Community Plan
- 1978 Council Votes 6 - 0 For OHHA "Semi-Rural" Street Plan

- 1980 OHHA suggests street plan
- 1981 OHHA starts lawsuit against City Hall & Futer project
- 1992 Survey of OHHA area residents regarding street issues.
- 1993 Statement of street desires, approved at general meeting, sent to City Hall.
- 1994 Debt for 1981 lawsuit paid off.