

Request for Developer Proposals
for Transit-Oriented Development
Fremont BART Station – TOD Phase 1



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Fremont TOD Phase 1 project website: <https://bart.gov/todfremont>

Request for Proposals (RFP) Schedule*

Event	Date
RFP issued	April 28, 2026
Respondent registration deadline (optional)	May 18, 2026, noon
Pre-submittal conference and networking session (optional)	May 19, 2026, 9:30 AM
Final questions and requests for clarification due	June 1, 2026
BART response to RFP questions and clarifications posted	June 15, 2026
<i>Proposals due</i>	<i>July 16, 2026, 4:00 PM</i>
Shortlist announced	August 15, 2026
Interviews	August 24-25, 2026
BART Board considers authorization to enter into exclusive negotiating agreement (ENA)	October 2026

* Partial and subject to change

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I. INTRODUCTION

The San Francisco Bay Area Rapid Transit District (“BART” or “the District”) requests proposals from qualified entities that will result in the construction of a transit-oriented development (TOD) at the Fremont Station (“the Station”). The location of the Station is shown in **Figure 1**.

BART is soliciting proposals to select a developer who will work jointly with BART, the City of Fremont (“the City”), and the community to establish, build, and manage a feasible development program at the Station. The subject of the solicitation is the area designated as TOD Phase 1 (“the Property”) in Goals and Objectives approved by BART’s Board of Directors (“the Board”) on January 22, 2026.



Figure 1: Location of Fremont Station on BART’s system map

Following BART’s acceptance of submittals in response to this RFP, an Evaluation Committee (Committee) will evaluate the responses. The Committee will be composed of three (3) members selected by BART and two (2) members selected by the City. The Committee will assess the quality of the RFP responses and BART’s General Manager will make a recommendation of a developer or developer team for approval by the Board.



If authorized by the Board, BART intends to enter into an Exclusive Negotiating Agreement (“ENA”) with a developer or developer team (“Selected Developer”) for development of a mixed-use, mixed-income development at the Property (the “Project”). If a proposed development concept and term sheet resulting from the ENA is approved by the Board, BART and the Selected Developer will seek to negotiate and enter into a long-term ground lease option agreement. [BART’s Transit-Oriented Development Policy](#) favors ground leases rather than sale of property as the standard disposition strategy for joint development, except in cases where alternative approaches are required to achieve specific development objectives.

II. SUMMARY OF THE OFFERING

A. Property and station description

Note: Tracks run diagonally at the Fremont BART Station. For the purposes of this document, BART-owned parcels between the BART tracks and Tule Pond are considered east of the station while those adjacent to Washington Hospital and the Fremont Office Center are west.

1. Property Characteristics

The TOD Phase 1 Property is in the downtown area of the City and is generally bounded by Mowry Avenue to the north, BART's aerial tracks and traction power substation (TPSS) to the west, a bus and shuttle intermodal area to the south, and Tule Pond/Waterside Circle to the east. The TOD Phase 1 Property is currently a 1,200 space BART rider parking lot.

The Hayward Fault is present beneath a portion of the eastern side of the Station and complicates the exact boundaries of the solicitation. The bus and shuttle "intermodal area" and parking lots southeast thereof are excluded from this solicitation due to the presence of the Fault. The remainder of the parking lots on the eastern side of the Station constitute the Property included in this solicitation. The exact extent for the southern end of the development is flexible and based on developer's assessment of feasibility, which is why the dividing line between undevelopable and developable area is shown as approximate in **Figure 2**. Any area north of the bus and shuttle intermodal area that is not developed must be left to continue to either function as BART infrastructure or be integrated into the new development as usable open space.

The Property is adjacent to, and provides the primary access to, the eastern portion of the Station concourse and tracks. In addition to BART rider parking, the Property includes passenger pick-up and drop-off facilities; access to the TPSS; and pedestrian walkways.

FREMONT TOD: Approximate Phasing for Developer Solicitation
EGIS - Enterprise Geographic Information System

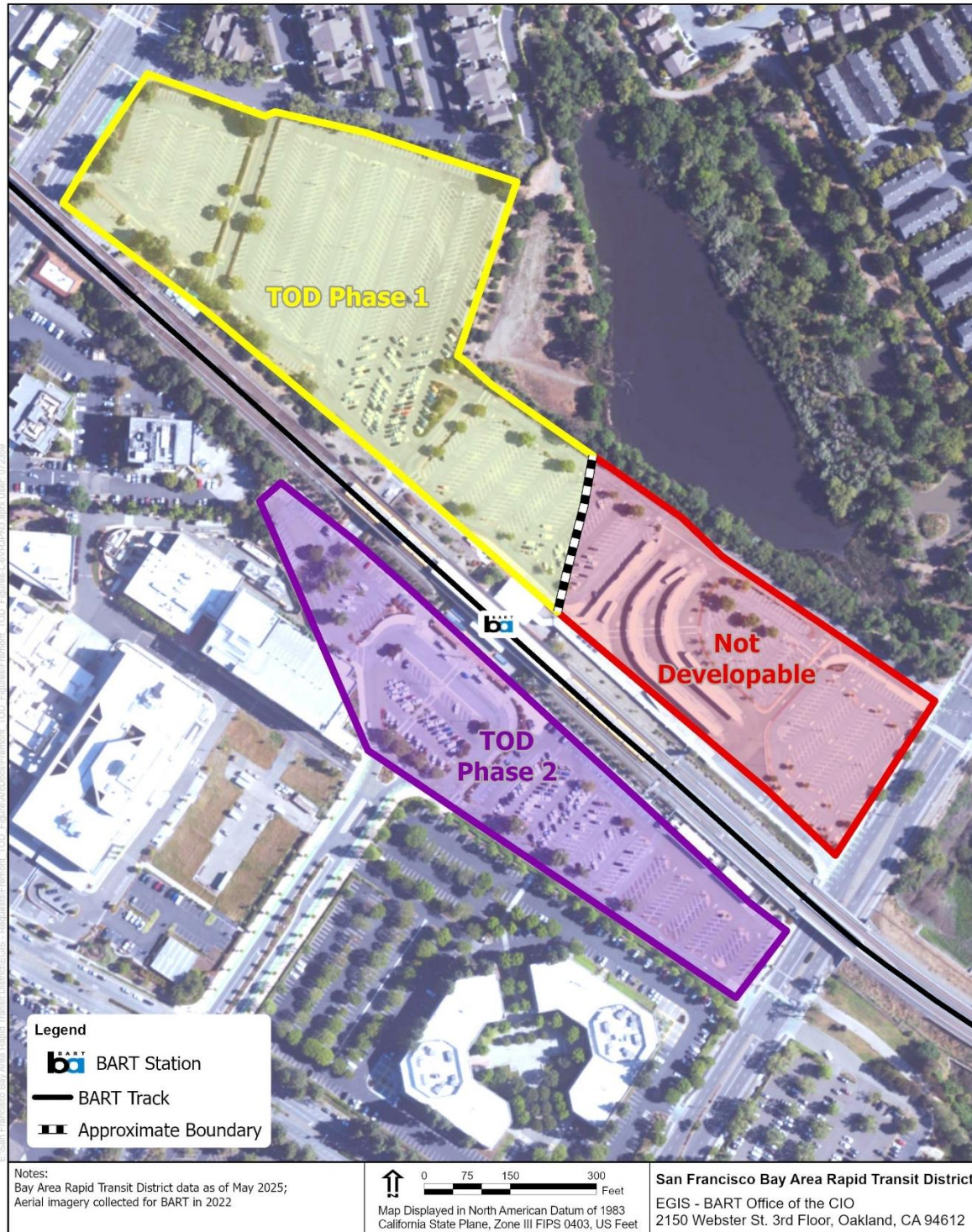


Figure 2: Approximate boundaries of Fremont TOD Phases 1 and 2 and the undevelopable area
Note that the southern extent for TOD Phase 1 is approximate but does not extend further than the bus intermodal.

Note that BART has developed Basis of Design Criteria (Attachment 1) to address BART’s operational and access needs, anticipated circulation to and through the Station, and key fire/life safety requirements of BART, as they relate to the Phase I Property. The Basis of Design Criteria has reserved approximately ¼ acre around the TPSS for access to this important BART facility. No development that precludes access to the TPSS will be allowed in this area, although it can be used for flexible purposes, as long as the Basis of Design Criteria are met. Please see Attachment 1 for further detail.

2. Transit Context

The Station is served by two BART routes with the following termini: Berryessa/North San José – Daly City, and Berryessa/North San José – Richmond, as shown in Figure 1. These routes, known respectively as the Green line and Orange line, offer one-seat service to destinations including Oakland, San Francisco, Berkeley, and San José. When the Santa Clara Valley Transportation Authority (VTA) completes its six-mile BART Silicon Valley Phase II extension (estimated to be fully operational by 2038), the Station is expected to have one-seat service to four additional BART stations: three in the City of San José (28th Street/Little Portugal, Downtown San José, and Diridon Station) and one in the City of Santa Clara adjacent to the existing Caltrain Station.

BART currently runs three trains an hour in each direction on both the green line and orange line every day from early morning to 9:00 PM, resulting in trains stopping every 10 minutes in each direction at the Station. From 9:00 PM to about 1:00 AM, only the orange line serves the Station, resulting in trains every 20 minutes in each direction. Sunday service begins at 8 am.

BART has been investing in its [Transbay Core Capacity Program](#), a suite of improvements that includes more rail cars and a new train control system that will enable more frequent service and more 10-car trains. The timing to implement more frequent service and longer trains will largely depend on ridership demand.

From the Station, travel times by BART to the following key stations are as follows:

- 45 minutes to Embarcadero Station in downtown San Francisco
- 35 minutes to 19th Street/Oakland Station in uptown Oakland
- 45 minutes to Downtown Berkeley Station
- 20 minutes to Berryessa/North San Jose Station

The Station primarily serves residents of Fremont. Prior to the 2017 extension to Warm Springs/South Fremont, the Station was the terminus of southern East Bay service and attracted riders from farther distances. When the extension became operational, ridership and parking utilization decreased. The COVID-19 pandemic and subsequent surge in remote work led to further drops in ridership and parking utilization systemwide including at the Station.

Current weekday ridership for the Station as of February 2026 averages 2,165 entries, the 32nd highest ridership in the 50-station BART system. Riders get to the Station from home using a variety of modes. According to the [2024 Station Profile Study](#), 35% drove and parked, 28% were dropped off, 22% walked, 9% used bus transit, and 7% biked or used an electric scooter.

The Station is aboveground and surrounded by a mix of commercial and residential uses in buildings that range from one to six stories. It has two fare gate arrays at its concourse level directly underneath the platform, and one elevator with access to the station platform from the concourse level.

The Alameda-Contra Costa Transit District (AC Transit) operates 8 bus routes and Stanford University operates 3 shuttles that pickup and drop off at the intermodal bays at the Station. Additionally,

employer shuttles also pick up and drop off riders at the Station's intermodal area. Potential changes to the transportation network are described in Section II.B.2 below.

3. Area Context

The Station serves Fremont's emerging city center, and has entrances located on the east and west sides. The west side faces BART Way and the city center area, while the east side faces parking lots bordered to the north by Mowry Avenue, to the south by Walnut Avenue and to the east by Tule Pond, which is managed by the Alameda County Flood Control and Water Conservation District. Both Mowry and Walnut Avenues are major arterial streets, with Mowry Avenue providing access to Interstate 880 (I-880). Civic Center Drive, another major arterial street, provides a north-south connection to BART Way.

The Station is located near Fremont's amenity-rich central core. It is predominantly residential north and east of the Station with a mix of single-family homes and two-to-four-story walk-up apartment buildings while major open space is found to the south. To the west, land uses are mixed with civic, medical, and commercial facilities and high-density residential complexes. Key destinations and their features are included in Table 1.

Table 1: Key Destinations near Fremont Station

Destinations and Features	Miles from the Station
<u>Shopping & Amenities:</u>	
Central Park: Lake Elizabeth, Fremont’s Main Library, numerous playgrounds, sports facilities and a water park	0.5
Gateway Plaza: Raley’s supermarket, Walgreens, Pet Food Express, Cine Lounge 7 Cinema, Peets, Philz Coffee, Panera Bread and other retail and dining options	0.2
Whole Foods	0.5
Smart & Final	0.6
Downtown Shopping District - on Capitol Avenue, a walkable commercial street with several new mixed-use retail and residential buildings.	0.7
Mega Mart	0.9
Fremont Hub: Large open-air mall anchored by Target, Marshalls, Ross, Michaels, PetSmart, Old Navy and Staples, together with Safeway, Trader Joe’s and CVS.	1.1
City Hall	0.5
Downtown Event Center	0.6
<u>Schools & Hospitals:</u>	
Parkmont Elementary School	0.5
Centreville Middle School	1.8
Washington High School	1.4
California Schools for the Blind and Deaf	0.7
Washington Health Hospital and Medical Group	Directly adjacent
Kaiser Permanente Fremont Medical Center	0.3

4. Community engagement

BART conducted outreach with BART riders and members of the surrounding community to get feedback on draft Goals and Objectives. The fall 2025 engagement was structured as follows:

- Online survey, which ran from September 20 through October 15
- Two in-station open house events, which took place on Thursday, September 25 from 4:30 to 6:30 PM and on Wednesday, October 8 from 7:30-9:30 AM

A summary of the survey responses is included in Attachment 7.

At the in-station open houses, the objectives that attracted the most support included:

- Maximizing BART ridership with mixed-use development
- Include shops and services to the extent feasible
- Include community amenities, such as open space

- Make sure at least 20% of homes are affordable while targeting 35% if feasible
- Help more people get to BART without driving by improving walking, biking, and transit connections

Participants suggested specific types of community amenities to include on site. A common desire was to see the station area become more of a destination and social hub with shopping and recreational opportunities nearby. Participants also requested better connections to existing amenities, such as Central Park, Tule Pond and Vargas Plateau open spaces.

Most comments were supportive of reducing the number of BART rider parking spaces, which are under-utilized, although some participants were concerned that not enough spaces would remain. Many comments touched on the need for better bike and pedestrian facilities coming to and through the station area. Most, but not all, were supportive of closing off car access to the station from Mowry Avenue to prioritize walking and biking station access through TOD Phase 1.

Generally, the results of the survey were consistent with feedback from the in-station outreach events. The quantitative results and survey comments also reflected the community's strong interest in alternatives to driving and parking at the Station.

On January 22, 2026, the BART Board approved the Fremont Station TOD Goals and Objectives, which had been refined based on community feedback taken on the draft version, and is found in Attachment 7.

5. Due Diligence Studies

In preparation for developer solicitation, BART staff conducted a series of due diligence studies and market sounding. Most notably, a detailed fault study, which built on exhaustive studies previously completed for the Warm Springs extension, was completed to assess the implications of the Hayward Fault on potential development areas. Under California's Alquist-Priolo Act, construction of new buildings is prohibited on, across or near a fault line. These constraints limit development potential on the southeastern portion of the site, the area outlined in red in Figure 2, above. This area contains a bus and shuttle intermodal and a 250-space rider parking lot, which BART staff considers undevelopable with current construction technologies.

Most of the TOD Phase 1 area is subject to the Alquist-Priolo Act, although most, if not all of it, is likely to be sufficiently buffered from the fault lines. Compliance with the Alquist-Priolo Act will require that the Selected Developer conduct trenching studies to identify the exact location of the Hayward Fault, establish a buffer area, and ensure that any development will be a sufficient distance from the fault line. BART did not conduct any trenching in the existing parking lots, so the exact location of the fault must be determined by the Selected Developer. There may be a portion of the TOD Phase 1 area that cannot support occupied structures, but this area is likely limited to the area near the bus and shuttle intermodal area.

Additional studies, including a Phase 1 Environmental Assessment, boundary survey and a preliminary title report, did not identify any significant barriers to development.

The seismic study, Phase 1 Environmental Assessment, survey and preliminary title report are all included as links in Attachment 7.

B. Station access

1. Background

BART sees TOD as a critical strategy for generating new ridership and revenue. TOD residents and workers take BART more often for work, school, errands, and recreational trips as demonstrated in [*Travel of TOD Residents in the San Francisco Bay Area: Examining the Impact of Affordable Housing*](#) (2020) by J. Barajas, K. Frick, and R. Cervero and [*Travel Characteristics of Transit-Oriented Development in California*](#) (2004) by H. Lund, R. Cervero, and R. Willson.

BART staff will work with the Selected Developer to ensure that site design for TOD Phase 1 seamlessly connects the Station with existing neighborhoods by way of a *Station Access Plan*. This plan will be funded by the Selected Developer and is required as part of any future ENA (Attachment 4, Form of ENA). It will identify needs for riders who walk, bicycle, use mobility aids, take buses or shuttles, or use micromobility (i.e., stand-up scooters) both on- and off-site to connect with the larger areas surrounding the Station. It will also identify motorist needs for riders to access passenger loading zones and parking. Finally, it will identify access needs for the Station's operations and maintenance in addition to responding to an emergency. More information on the *Station Access Plan* is found in Section VIII.A.4.

BART's preliminary, high-level circulation needs and constraints, as well as key fire/life safety requirements of BART, are included in the *Basis of Design*, which is provided as a guide to respondents in preparing their preliminary development concepts. It does not supplant the *Station Access Plan*, which may determine different needs based on more in-depth demand analysis for each mode of access. Respondents' preliminary development concepts (see Section IV.G) should address the performance standards and operational needs described in the *BART Basis of Design Criteria* (Attachment 1). Beyond meeting these needs, BART will prioritize walking and biking and minimize vehicular circulation through the Property, in keeping with adopted policies and guidelines.

2. Existing conditions

This section describes existing conditions and planned projects affecting access on and near the Station. More information on the Project's *Station Access Plan* is provided in Section VIII.A.4.

Figure 3 shows on-site facilities for the Station's access.

BART **FREMONT TOD: Station Access Facilities On-Site**
EGIS - Enterprise Geographic Information System

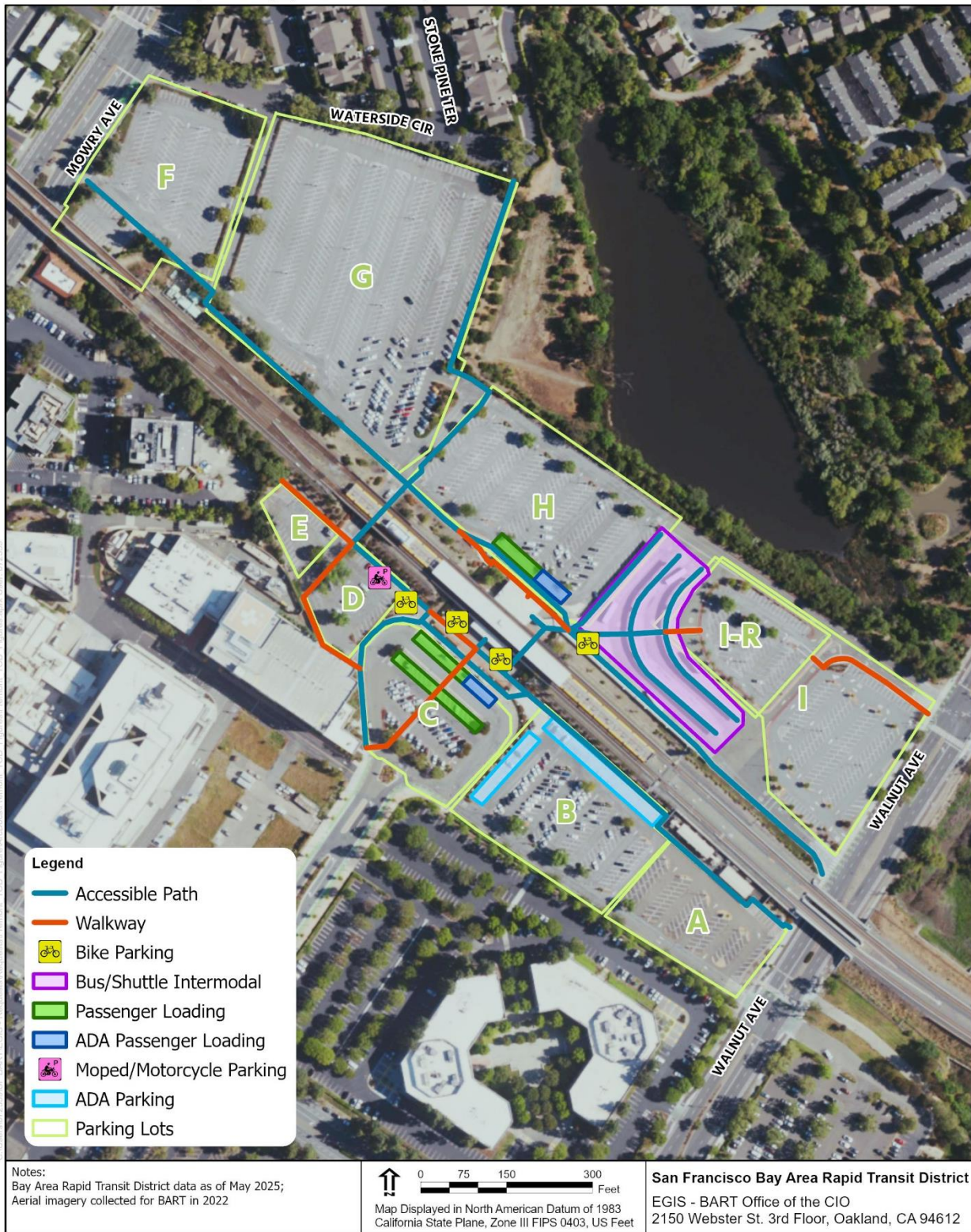


Figure 3: Station access facilities on-site

a. Accessibility considerations

The BART system is generally designed to help people of all abilities (including those with sight, hearing, and mobility challenges) navigate to and from the public right-of-way through the stations and onto the trains. Access to and from the Station for people in wheelchairs and with other mobility challenges is provided at both station entrances.

b. Pedestrians, bicyclists, and micromobility users

In keeping with BART's [Station Access Policy \(PDF\)](#), further described below in Section VIII, the development must prioritize pedestrian and bike access to and throughout the site so that BART riders are less reliant on driving and parking.

The Station has sidewalks throughout the site, as shown in

Figure 3, most of which provide full accessibility to and from the Station entrances. Some walkways have stairs or lack curb ramps. Walkways on the southeast portion of the site are sparse and disconnected.

There are no designated bikeways on site, although many riders arrive at the Station by bicycle. On-demand parking for bikes at racks and in lockers are found on both sides of the Station entrances.

There are no designated facilities for micromobility users who generally use existing walk or bike infrastructure to access the Station.

The adjacent roadways in the Station vicinity all have sidewalks and different types of bikeways, as shown in *Figure 4*:

- Elevated Class IV separated bikeways on Walnut Avenue and BART Way;
- Class IV parking protected separated bikeways on Civic Center Drive; and
- Class II partially buffered bike lane on Mowry Avenue.

Protected intersections are found at Civic Center Drive-BART Way, Walnut Avenue-Civic Center Drive, and Walnut Avenue-Guardino Drive. A Rectangular Rapid Flashing Beacon (RRFB) crossing is found across Civic Center Drive between Mowry Avenue and BART Way.

Planned bikeway projects identified in Fremont's Active Transportation Plan are found near the Station, as shown in *Figure 5*. They include an upgrade of Class II bike lanes on Mowry Avenue to Class IV separated bikeways. The Civic Center Class IV separated bikeway between Walnut and Mowry Avenues shown in this figure has already been completed.



Figure 4: Existing walking and biking infrastructure on public streets near the Station
 Source: City of Fremont's Active Transportation Plan



Figure 5: Planned walking and biking infrastructure on public streets near the Station
 Source: City of Fremont’s Active Transportation Plan

c. Bus and employer shuttles

The Station has an extensive intermodal area on-site southeast of its station entrances, which can be accessed at the [Station’s Transit Stops map](#). Buses and shuttles enter the intermodal from Walnut Avenue near Tule Pond and have an exclusive roadway parallel to the BART tracks for exiting onto Walnut Avenue. The Station is served by eight AC Transit routes (including Transbay Route U to and from Silicon Valley), a Stanford shuttle route, and several employer shuttles. Employer shuttles serve the Fremont Station over 50 times per day, in part due to the Station’s proximity to the Dumbarton Bridge and connectivity to Silicon Valley employers.

BART recently installed a bus and shuttle operator break area and restroom on the northeast side of the station entrance to support the many bus and shuttle routes that lay over at the Station.

All bays are currently in use for either active loading, layovers, or shuttles. BART is open to considering configuration changes that could potentially reduce the footprint of the bus area while continuing to serve existing and future bus and shuttle operations.

d. Motorist access

Motorist access to the Station is provided by Mowry Avenue, Walnut Avenue, and BART Way from Civic Center Drive. As shown previously in

Figure 3, parking lots for riders and passenger loading zones (including ADA) are located on-site on both sides of the station. ADA parking spaces and a designated motorcycle and moped parking area are only located on the west side.

On-street parking on adjacent streets near the Station is unregulated.

Parking for BART personnel and official vehicles are mostly located west of the Station. BART maintenance and emergency responder vehicles use existing roadways to serve the Station. Refuse collection for the Station is also located on the west side.

Figure 6 shows the existing rider parking (daily fee and reserved) and passenger loading areas that might be replaced or affected by TOD Phase 1.

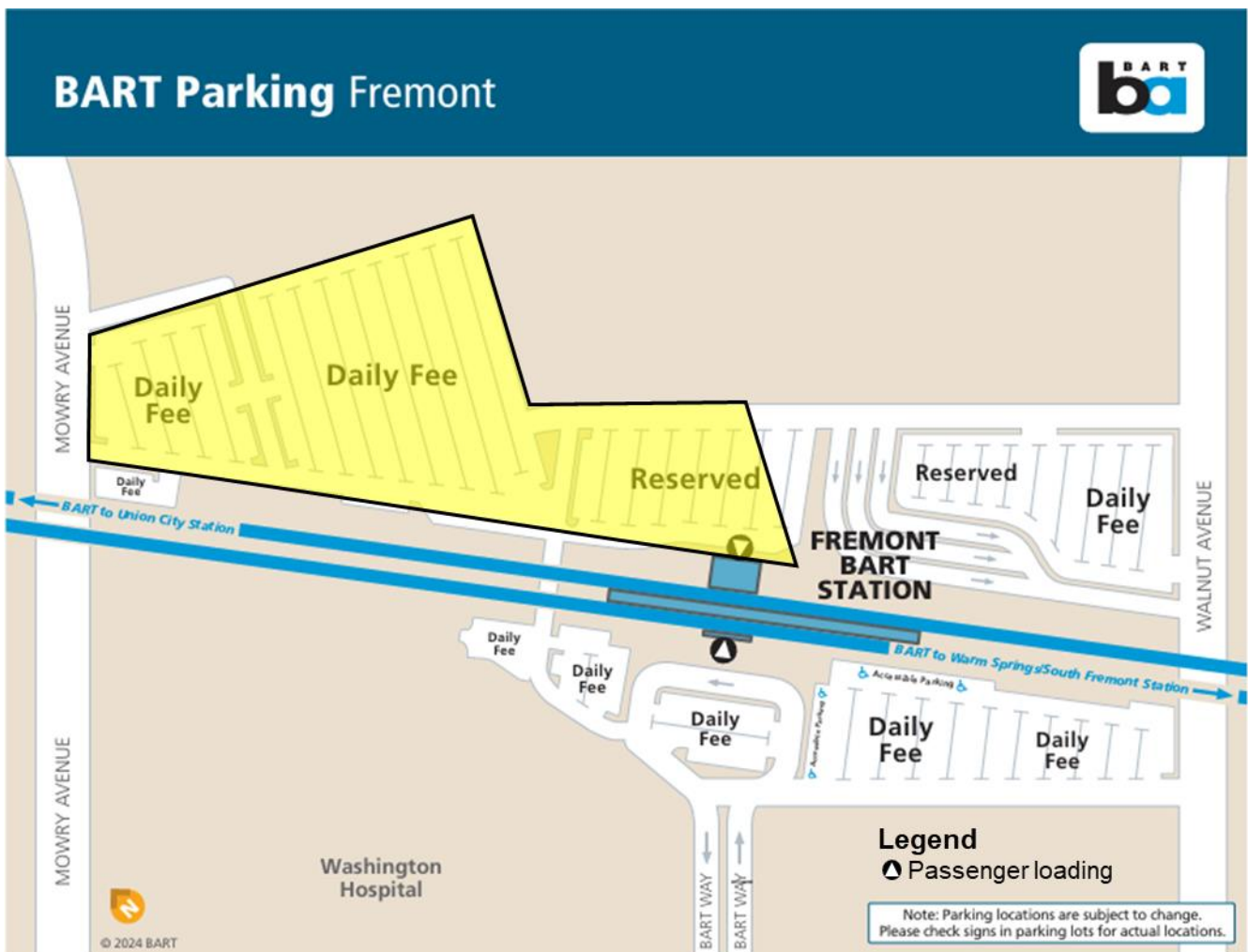


Figure 6: Yellow overlay of TOD Phase 1 on existing BART rider parking and passenger loading

III. TRANSACTIONAL TERMS AND MINIMUM PROJECT REQUIREMENTS

A. Predevelopment process

The Selected Developer will lead the predevelopment process and will fund all predevelopment costs, including reimbursing BART for a Station Access Plan as described in Section VIII.A.3. In addition, the Selected Developer will be responsible for undertaking parcel subdivision(s) to form legal parcels separate from the area(s) to be retained by BART.

B. Joint development process

1. Exclusive Negotiating Agreement (ENA)

Subject to BART Board approval of a Selected Developer, BART and the Selected Developer will seek to negotiate and execute within 90 days an ENA outlining the parties' roles and responsibilities during a 24-month period. To develop the Project, the Selected Developer is expected to entitle the Property through the City's entitlement process during the ENA phase. BART's template ENA is provided as Attachment 4 of this RFP.

2. Other Agreements between BART and Selected Developer

Subject to the successful negotiation of key terms between BART and the Selected Developer, BART staff will seek authorization from the BART Board of Directors to enter into a Ground Lease Option Agreement with the Developer. During the Option period, prior to execution of ground leases, BART will expect commercially reasonable lease option consideration that escalates annually.

As BART service confers a range of benefits on surrounding property, and BART and the region's physical needs and interests change over time, BART's TOD Policy indicates a preference of ground leases for 66 years or less, except in cases where alternative approaches are required to achieve specific development objectives (e.g., Low Income Housing Tax Credit-funded affordable housing, where the tax credit award requires a ground lease term of no less than 75 years). However, ground lease terms up to 99 years will be considered, subject to approval by the Board of Directors.

BART has an interest in ensuring that all components (including any on- or off-site infrastructure) and phases of a TOD project, as approved by the Board, are ultimately constructed. Respondents, particularly those responding as a joint venture (JV) or group, should expect that an eventual Ground Lease Option Agreement will contain mechanisms to further that interest, and which will likely include, but not be limited to, (1) requirements that there be no default under any executed ground leases as a precondition to later exercise of options for subsequent ground leases, and (2) enforceable provisions to ensure that the development team delivers infrastructure components of the TOD, such as by connecting the construction of said components to a specific ground lease and providing that failure to construct them will constitute a default under that ground lease. JVs must consider how to apportion the risks relating to such requirements among their members pursuant to a partnership agreement or other method.

BART's practice is to enter into **one lease option agreement** that includes all subphases and all developer partners.

The successful construction and operation of the Project will require additional agreements between BART and the Developer including maintenance agreements, shared facilities memoranda of understanding, and other agreements to be determined. BART requires that each phase of development provides a completion guarantee or performance and payment bond, as well as accrue a demolition fund to potentially be made available at the end of the ground lease term. The selected developer must

also guarantee the completion of any transportation infrastructure component associated with a private development phase with both a completion guaranty and performance and payment bonds.

3. Entitlement/Design Review

The Project will be subject to the City's entitlement and design review procedures described in Sections IX of this RFP, subject to any relevant state laws. In addition, to the extent that aspects of the Project may impact BART service and operations (e.g., general impact on Station facilities, structural impacts, Station access during and after construction, passenger safety, intermodal facilities, utility lines, long term facilities expansion needs, and maintenance), BART staff from relevant impacted departments will review the proposed design of the Project. BART's review will include, among other considerations, conformance of any Project work that may impact transit operations or infrastructure to the [BART Facilities Standards](#), provision of adequate wayfinding signage that meets [forthcoming regional standards](#), and access to the faregates within the Project. The Selected Developer is expected to reimburse BART for review time by staff and any necessary external consultants to address possible impacts. Review will occur at the conceptual design, final design, and construction stages of the Project. To ensure expediency in the design review process and provide Respondents with a sense of BART's expectations for the site, BART's Basis of Design Criteria are attached to this RFP as Attachment 1.

C. Infrastructure

1. Infrastructure Program and Priorities

The Project will require infrastructure investments which may include, but are not limited to, improved passenger loading facilities and new pedestrian, bicycle, and vehicular access roads. The Selected Developer will be expected to finance and deliver all elements of the infrastructure program. The exact infrastructure program required will depend on the extent and scope of development proposed, but will at the very least include the following:

- A new passenger loading facility that is accessible to private vehicles from Walnut Avenue only. This could include a turnaround loop near the Tule Pond area, or closer to the station if proximity to the Hayward Fault precludes development in that area.
- Pedestrian and bicycle facilities through the TOD Phase 1 area connecting Mowry Avenue to the station entrance.
- Emergency and BART vehicle access parallel and adjacent to the trackway.
- Maintenance and emergency vehicle access to the TPSS.

700 surface BART rider parking spaces will remain at the Station in the areas outside the TOD Phase 1 Property. No BART rider parking is required to be provided as part of TOD Phase 1.

Design of circulation in the TOD Phase 1 development should discourage motor vehicle station access through the TOD Phase 1 area. Instead, the design should encourage motorists to use Civic Center Drive-BART Way and Walnut Avenue. The TOD development will need to provide passenger loading zone on the east side for cars coming from Walnut Avenue. *Figure 7* shows a location between the bus/shuttle intermodal and the future TOD Phase 1 where it is assumed that the fault line precludes development that could accommodate passenger loading, open space, or other uses.

FREMONT TOD: Approximate Phasing for Developer Solicitation
EGIS - Enterprise Geographic Information System

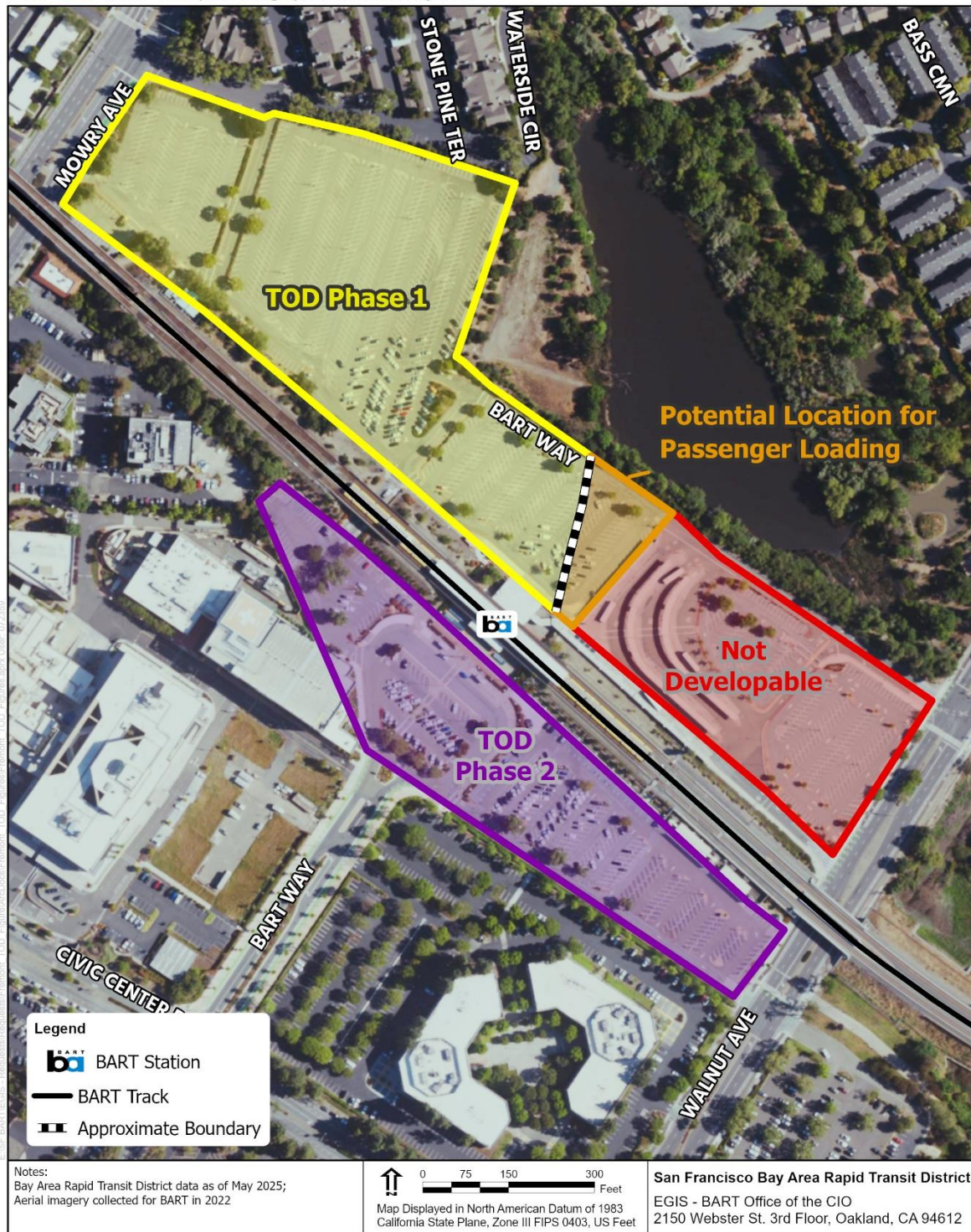


Figure 7: Approximate location for a potential passenger loading zone accessed from Walnut Ave

2. Infrastructure Funding

Throughout the development process, BART is committed to working closely with the Selected Developer to seek external funding to support BART-related infrastructure needs that may result in costs above and beyond those a developer would incur on similar privately-owned property. It is expected that BART and Selected Developer, and the City as appropriate, will collaborate on securing funding when needed. This may include, for example, coordination on the scope and requests for applications to state funding sources that support TOD such as Affordable Housing & Sustainable Communities (AHSC), Infill Infrastructure Grants (IIG), and Transit and Intercity Rail Capital Program (TIRCP).

D. Station TOD Goals and Objectives

The BART Board of Directors adopted Goals and Objectives for the Fremont TOD (Attachment 7) on January 22nd, 2026. The Goals and Objectives set the high-level development parameters for TOD Phase 1. Developer proposals will be scored according to how well they achieve these objectives that were tailored to the Fremont TOD site. The six overarching **Goals** apply to the TOD program generally, while the **Objectives** listed below them are tailored to the Fremont TOD site in particular.

The Goals and Objectives call for a high-density residential project that optimizes the site's development potential. This is in line with the City of Fremont's vision for the City Center-Transit Neighborhood zoning under the City Center Community Plan. The new development should be designed such that it both produces significant ground lease revenue to fund BART operations and delivers an increase in BART ridership.

Several objectives call for a non-residential component that activates the station area. How this is achieved is dependent on the Selected Developer's vision for the site and may include a variety of different programming, including ground-floor commercial space or public open space.

Additional objectives emphasize the desire to create a pedestrian and bike-friendly environment within TOD Phase 1. Vehicle traffic connecting Mowry and Walnut Avenue is to be discouraged or prevented entirely. Station access by vehicle from Mowry Avenue is to be discouraged. BART is also interested in the development providing improved bicycle and pedestrian access through the vehicle underpass in the TOD Phase 1 area if feasible.

The Goals and Objectives establish that BART parking replacement is not required for TOD Phase 1. Roughly 700 parking spaces for BART riders must be maintained throughout the build-out of TOD Phase 1, which can be achieved by retaining surface parking found in the **Undevelopable** and **TOD Phase 2** areas, per the Phasing Diagram (Attachment 7). BART would prefer to maintain access to the parking lot under the BART tracks adjacent to Mowry Avenue, unless they are not required to maintain the roughly 700 parking space minimum.

The Fremont TOD will create a mixed-income community and follow BART's adopted Affordable Housing Policy to provide a minimum 20% affordable housing for lower-income households (80% AMI) and below. Proposals with solely deed-restricted affordable housing are discouraged. In addition to both market rate and lower-income housing, BART is also interested in the TOD providing some percentage of middle-income or moderate-income housing if feasible.

Finally, the City of Fremont's Community Development Director submitted a letter to the BART Board meeting regarding the Goals and Objectives statement. It is included as Attachment 7. It provides guidance on the city's requirements for the development proposal, per the City Center Community Plan.

E. Financing sources

The Selected Developer is expected to utilize all standard sources of debt and equity commonly available for similar projects, including the potential use of Low-Income Housing Tax credits for eligible affordable units as well as other funding sources offered by the State of California. BART will work with the Selected Developer to seek public financing resources not obtainable without BART support.

IV. SUBMITTAL REQUIREMENTS

Please submit clear, complete, and concise responses with the information requested below, including a table of contents at the front of the response. With the exception of site plans, which may be as large as 11" x 17", submittals should be on letter sized (8 ½" x 11") paper, using a standard font and font size no smaller than 11-point. Proposals should be organized as follows, using tabs to separate sections.

A. Transmittal letter

The transmittal letter should include the following information:

1. Name, address, telephone and website address, etc. for the lead development entity.
2. Legal structure of lead development entity or anticipated entity (e.g., corporation, limited partnership, etc.), jurisdiction where registered, and date of legal establishment.
3. Name, title, address, telephone number, and e-mail address of the person designated as the primary contact for the lead development entity.
4. Names and relationships of all entities included in the submittal (e.g., nonprofit affordable housing developer, master planning architect/urban design firm, commercial space/cultural facilities consultant, community engagement consultant, transportation consultant, etc.).

B. Development Program Table

Please complete Attachment 6a and 6b showing information on the development program, external funding source assumptions, and extraordinary project cost assumptions.

C. Team summary

BART does not require respondents to identify all the professionals who might eventually be involved in the Project at this time. Only developer(s) and architect(s) are required to be identified at the time of submitting a proposal. Respondents must identify the firm names of any architects or other consultants or partners. To the extent that participating firms can be identified to ensure your proposal addresses the submittal requirements and evaluation criteria, please do so by providing the following information for each participating firm that is part of your proposal:

1. Participating firms, as known, and an organizational chart identifying roles and responsibilities, covering essential activities to be evaluated. Clearly identify one entity that will be responsible for master planning of the Project.
2. Identification of key individuals and project manager or managers, including the team members and project manager for each market rate and affordable project/s, and up to a two-page resume for each of these individuals.
3. Description of core business activities of each participating firm, including specific experience with affordable housing development and operations for any team members who have a role in affordable housing phases.
4. Number of years in business for each participating firm.
5. Number of full-time employees for each participating firm.

6. Optional: supplemental materials such as company brochures, for each participating firm, limited to 2 pages per firm.
7. BART does not require or encourage large development teams. If more than one development entity is proposed, as a threshold requirement, Respondents MUST provide:
 - a. An executed, written agreement, such as a teaming agreement documenting:
 - i. the intended relationship between/among all entities
 - ii. the anticipated ownership percentage each entity (or its affiliate) will have in each building/project component
 - iii. the anticipated roles and responsibilities of each party, including those with respect to delivering public infrastructure
 - iv. the entity or entities that will enter into the ENA with BART
 - b. A brief narrative description of this working relationship, and,
 - c. A description of the entities' prior working relationships.

Respondents must notify BART of any changes to its team following RFP submittal and, once selected, the BART Board may need to approve any changes or substitutions to key team members. See Section IV.H.5. below for more details of information required on partnership structures.

D. Small Business (“SB”) participation

BART strongly encourages SB participation in all phases of the Project. Respondents should take all steps necessary to provide an equal opportunity for SBs to participate, including, but not limited to performing the following during this solicitation phase and/or, if selected, throughout the development process as noted:

1. Outreach to small businesses (solicitation/development).
2. Advertise in publications anticipated to reach small businesses (development).
3. Participate in BART sponsored networking events (solicitation/development)

On Attachment 2 please indicate the SB participation commitment offered by your team, covering both predevelopment and construction of the Project, as well as the SB certification status of the development team members listed in Section IV.C, above. While the teams may only be identifying predevelopment firms at this point, the SB participation commitment percentage reflected in Attachment 2 is based on the overall Project cost covering both predevelopment and construction. Submissions will be scored based on the SB participation commitment percentage reflected in Attachment 2. The Selected Developer will be required to submit quarterly SB utilization reports as part of the Exclusive Negotiation Agreement requirements.

SB firms include Small Businesses certified by the California Department of General Services (DGS), and Local Small Businesses (LSBs) certified as SBs by DGS and whose principal place of business is located in one of Alameda, Contra Costa, or San Francisco County. Additional information on SBs can be found at: www.bart.gov/about/business/ocr/programs.

BART will facilitate a Networking Session to help proposers identify firms with the experience requested at this stage. More information about the Pre-Submittal Conference and Networking Session can be found in Section VIII.C of this RFP.

E. Description of Relevant Experience

Respondents must meet the following threshold requirements to be eligible:

1. The master planning entity proposed in Section C.1 above must have been responsible for master planning of one or more multi-phase master planned developments in which at least one building received its certificate of occupancy within the past 10 years.
2. Each proposed development entity must have either:
 - a. completed within the past 10 years at least two projects of a similar size and scope as the building(s)/project component (s) of the proposed Project for which that development entity is responsible, or
 - b. entered into a teaming agreement (meeting the requirements of C.7, above) with an eligible entity that is part of the Respondent team and possesses the required minimum experience for the applicable building(s)/project component(s); the teaming agreement must document that the eligible entity will have documented majority control of the JV.
3. If a stand-alone affordable housing project is being proposed, the development entity responsible for that building must have completed at least one stand-alone affordable housing project.

Using Attachment 3, Qualifying Project Form (available as a Word document on project website), please provide a description of **up to three relevant projects per development entity, but no more than six in total**, that have been completed in California within the 10 years prior to the RFP deadline by the development team (maximum four pages per project, inclusive of photos and site plan) that are reflective of this RFP's goals. The lead member of the proposed development team should have had a lead role in these past projects. BART is particularly interested in completed projects that address the scoring criteria regarding master planned development, public agency partnerships, and placemaking. Do not include any projects that have not received a certificate of occupancy as of the RFP deadline.

F. Narrative

Please provide responses to the following questions related to the team's experience and approach to Property (maximum 4 pages).

1. Concept Statement:

A concise narrative describing the site plan and development concept, including:

- Summary of the proposed target AMI mix, unit counts and bedroom counts
- Summary of commercial uses and approach to identifying and securing tenants
- Rationale for the Site concept described below. The narrative may make reference to market information, emerging real estate trends, developer experience on similar projects, or other logic for the scale and mix of uses proposed in the Site development concept.

Detail the resident parking program and explain your approach to locating and screening any residents/user parking, as well as strategies to limit the need for residential parking.

2. Urban Design and Placemaking

- Preliminary ideas for urban design and public realm that demonstrate approach to successful placekeeping/placemaking, activation of plazas, and sightlines from buildings toward plazas and streets.

- Highlight the project’s placemaking strategies and pedestrian-oriented design features.
 - Please describe your strategy for activating the ground floor with uses that are viable in today’s market.
 - Explanation of your approach to locating and screening from view parking for new residents/users
 - Explanation of mitigating strategies to reduce the demand for residential parking.
 - Any other proposed innovative or creative project elements that contribute to successful transit-oriented development.
 - Explain how any public spaces will be maintained. Note that BART will only maintain transit-related and station access infrastructure that is built to BART Facility Standards on non-leased property.
 - Any other notable public amenities.
3. Station Access
- Describe how the project will enhance multimodal access to Fremont BART station.
 - Explain how your approach best meets the goals BART has articulated for accommodating circulation on and around the Property.
4. Community Engagement
- Please also provide a narrative that describes your approach to community outreach and participation for the proposed project.

Note that the development concept will be evaluated based on how best it meets the objectives under the *Fremont TOD Goals and Objectives*. See the scoring criteria in Section V.C for additional detail. Additional points will not be given for including low-income housing beyond the requirements of the Affordable Housing Policy.

G. Preliminary development concept

Please provide a visual representation of the transit-oriented development concept being proposed for the BART Property. Any architectural products beyond what is described below will be disregarded in the proposal scoring. Include the following information:

1. Conceptual Site Plans, Elevations, and Sections no larger than 11” x 17” detailing the following:
 - The location and layout of proposed development
 - Mix of uses and their locations (including market rate and affordable housing, ground floor commercial spaces, and any parking serving the Project)
 - Conceptual layouts for public open spaces
 - Conceptual layout of site circulation and access that will enable successful integration of the Project with surrounding uses while providing clear and direct access to BART for all transportation modes and to all users with consideration of BART and City design guidelines, including MADG described above

- Building heights, number of stories and unit counts
- Existing station entrance locations and streets

2. Project Schedule and Phasing:

- Describe development phasing assumptions with a visual map of each phase
- Provide an estimated development schedule, including all major predevelopment and development activities, breaking out anticipated phases of development separately beginning from the time BART executes an ENA and ending with construction completion of the final phase or building.

H. Financial proposal

As described below, please provide details regarding the project's feasibility and the proposed financial terms for a ground lease with BART.

1. **Proforma:** Proposers shall complete the MS Excel document "Development Pro Forma Summary Financial Table," included as Attachment 6C, and submit electronically both as a PDF and Excel workbook (with formulas intact) separately from the hard copy proposal documents. The Summary should show the information required in total and by phase if applicable. In addition, Proposers shall complete the MS Excel Stabilized Income Table showing projected stabilized income and operating expenses and ground rent for all phases and in total. Proposers should also provide their own proforma as back-up information in a separate MS Excel model. The back-up proforma should give BART an understanding of the Respondent's approach, expected project economics, and developer return. Where applicable, developer return should be stated both as unleveraged Internal Rate of Return (IRR) and Return on Cost for the overall project and each phase. Note that Selected Developer will be required to present an updated live working proforma model during the negotiation phase as part of the lease option negotiations.
2. **BART Financial Offer:** Please fill out Attachment 6D providing greater detail on your proposed financial offer to BART, including proposed Base Ground Rent with scheduled increases and Participation in Gross Revenues. Please only submit electronically as a pdf and as part of the Excel workbook which includes Exhibits 6A, 6B, 6C, and 6D. Do not include this attachment in your written proposal.
3. **Development Financing Plan:** Provide an explanation of the project's expected financial structure including potential sources and amounts of equity and debt financing, as well as any expected public financing (e.g., for affordable housing, etc.). Identify assumed reliance on external funding sources (grants, tax credits, etc.) and your team's experience and competitiveness securing these funding sources. Specifically, describe how the predevelopment costs and the initial phases of site improvements and construction investments will be funded, and identify the anticipated source of the Respondent's up-front funding. Define assumptions and caveats of development timing and sources. Ensure all information provided is consistent with the proforma and MS Excel exhibits.

4. **Market Conditions:** Summarize market conditions affecting proforma, including expected lease rates and any assumptions regarding tenanting. Address marketing plans for each planned tenancy type (e.g., residential, retail, etc. Identify any critical factors that could impact the timing of a portion or all of the development. Describe the team’s contingency plan for changes to cost assumptions (impacts on lease revenues, community benefits, project design, etc.).
5. **Partnership Structure:** Identify the entities and the structure of any partnership that will be party to the ENA and Lease Option. Identify which entity or entities will be in a leading role, and which will be in a subordinate role. Identify which entities will be a party to development agreements with BART. Provide an organization chart of the entities that will be party to the ENA and Lease Option. If the proposal contemplates use of a project-specific entity to hold the assets upon execution of the ground lease, identify the entity that will provide any necessary completion, financing and lease performance guarantees. These partnership descriptions shall show entity liability throughout the life of the development (i.e., predevelopment, construction and asset management).
6. **Performance Guarantees:** Describe the team’s commitment to timely development, including any recommended metrics that could be used to evaluate whether external factors might create a reasonable delay in the project. Identify any financial or other terms proposed to guarantee delivery of project milestones on schedule.

I. Demonstration of financial capacity and related information

Please provide the following information to demonstrate your capacity to undertake and complete the proposed development.

1. Financial Statements for the previous three fiscal years for the lead developer and any team members that expect to be involved financially in the Project, including guarantors and nonprofit development partners. Certified statements are preferred. *Financial statements must be provided in a separate, sealed envelope labeled “Financial Statements” and should be provided solely on portable digital media such as a thumb drive; paper copies of financial statements are discouraged.*
2. Most recent annual report(s) for each of the team members that expect to be involved financially in the Project.
3. List five most recent projects and related financing structure and project value from inception to completion (i.e. construction financing & permanent financing, sources of debt and sources of equity for each)
4. List of any current non-performing loans as well as loan defaults in the past 10 years for each of the team members.
5. Description of instances in which the lead development company or any key team member has been involved in litigation or other legal dispute regarding a real estate venture during the past 10 years. Include information regarding the outcome of the litigation or dispute.

6. Information about instances in which any member of the development team has ever filed bankruptcy or had projects that have been lost to foreclosure.

Any submittals that do not provide this information by the deadline will be considered nonresponsive and ineligible. Any concern regarding disclosure of this information to BART should be communicated in advance of the deadline, so that alternative arrangements may be made to ensure required information can be evaluated.

Note that BART requires that neither the Selected Developer nor any of its principals, members or partners has been convicted of or admitted or assumed (including any plea of no contest) criminal or civil liability for any felony or fraud, or any act of moral turpitude; nor has a history of significant and material building code violations concerning the construction of similar projects; nor has been a party adverse to BART or the City in any lawsuits, claims or other actions within the preceding five (5) years; and has disclosed in writing any lawsuits or other actions as to which the proposed developer or any of its principals, members or partners has been adverse to BART or the City during any prior period.

J. ENA comments and deposit letter

After reviewing BART's form of ENA, Attachment 4 to this RFP, please provide any proposed revisions that would be needed in order to accept and execute the ENA, along with a signed cover letter. If none, provide a signed statement to that effect.

Per BART's accounting procedures, a letter from the Selected Developer must also be provided for the ENA deposit to be utilized upon the BART Board's authorization of staff to negotiate an ENA. See Attachment 5 for a template. BART will countersign the letter from the Selected Developer after Board approval. The letters from all other respondents will be voided.

K. References

Provide references with sufficient information to ensure easy contact – and ensure your contacts can be reached for reference checks. This should include company/organization names, titles, telephone numbers, and e-mail addresses for individuals who can provide information related to the following items:

1. Financial contacts – Identify 3 contacts that have provided members of the development team with debt or equity financing of at least the magnitude likely to be required for the proposed Project.
2. Public or Government - Identify 3 public officials of a government agency, county, city or other public agency who have been involved with a project completed by members of the development team (e.g., city managers, redevelopment staff, planning directors, economic development directors, etc.), specifying the role the agency or locality played in the development (e.g. funder, lessor, etc.).

V. SUBMITTAL AND EVALUATION PROCESS

A. Submittal of proposals

Respondents must provide 5 copies (one unbound original and 4 bound copies) and one digital copy of their Proposal. However, financial statements must be provided in a separate, sealed envelope labeled Financial Statements and should be provided solely on portable digital media such as a thumb drive; paper copies of financial statements are discouraged. All materials and the required proposal deposit must be submitted to:

San Francisco Bay Area Rapid Transit District
Attn: Shannon Dodge
Principal Property Development Officer
Property Development Department
2150 Webster St., 9th floor
Oakland, CA 94612
sdodge@bart.gov

Proposals should include a refundable deposit check of Twenty-Five Thousand Dollars (\$25,000) payable to “San Francisco Bay Area Rapid Transit District” to secure the team’s position as an eligible Respondent. The deposit check will not be deposited but will be securely retained by the Property Development Department, and the check of the Selected Developer, if any, will be deposited while the other checks will be voided and returned. If the Selected Developer decides to forego the opportunity to develop, the deposit will be retained by BART to cover expenses of BART staff time associated with this solicitation.

If BART decides to forego the opportunity to develop this Property prior to execution of the Exclusive Negotiating Agreement, remaining deposit funds will be returned to the Selected Developer. Otherwise, the deposit will be put towards the \$150,000 Exclusive Negotiating Agreement deposit and other costs described in Section VI.A.

All submittals must be received by BART at the above address no later than 4:00 P.M, local time, on July 16. Material received after this time may not be accepted.

B. Submittal Confidentiality

The California Public Records Act (California Government Code Sections 6250 et seq.) mandates public access to government records. Therefore, unless exempt from disclosure by law, materials submitted may be made available to the public.

C. Evaluation of proposals

An Evaluation Committee (Committee) will be created to evaluate and assess the submitted proposals. The Committee will consist of three representatives selected by BART and two representatives selected by the City. The Committee will review and score proposals in accordance with the following criteria. Following the initial written evaluation, the Committee may create a “shortlist” of the top-scoring teams.

Shortlisted teams will be invited to interview so that the Committee can further understand their proposals and responsiveness to the requirements of the RFP. The Committee will score the interviews

and presentations and will recommend the most qualified Respondent to BART’s General Manager for recommendation to the BART Board of Directors.

Fremont Developer Scoring		Total Possible Score
SCORING CRITERIA		
<i>Threshold Criterion</i>	PASS/FAIL: See Section IV.E. of RFP.	Pass
Written Submittal: 80 points possible		
1. Quality of Development Team's Experience with Directly Relevant Projects* 22 points possible <i>*References will be considered in scoring. BART may also consider past experience with team.</i>	A. Master Planned Development. Completed projects provided in Section E include comparable, mixed-use projects at similar scale delivering on goals similar to those articulated in the <i>Fremont TOD Goals and Objectives</i> . For full points, both developer and architect experience <u>must</u> include new construction of (1) master planned projects with multiple buildings, (2) high density (7+ stories) mixed-use residential buildings, and (3) public/civic space, such as plazas.	10
	B. Transit-Oriented Development/Public Agency Partnerships. Completed projects provided in Section E show experience integrating enhanced pedestrian, bicycle, and/or transit connectivity, as well as other best practices in TOD. Experience with joint development on public land deals or similar work, especially ground lease deals; transit agency partnership experience will be awarded more points.	5
	C. Design and Ground Floor Activation. Completed projects provided in Section IV E submittal exhibit neighborhood-serving, pedestrian-oriented ground floor activation or public amenities which provide a sense of place, interest, and character. Projects with multiple, complementary ground floor uses will be awarded more points.	5
	D. Community Engagement: Completed projects provided in Section E document experience leading effective community dialogue about design and programming of sites, and possible tradeoffs. Team has experience addressing concerns related to development impact from neighboring residents, business, and property owners. For full points, both developers and architects demonstrate this experience.	2
2. Preliminary Development Concept and Proposed Project Approach 18 points possible	A. Concept meets BART goals for site. Proposed approach is consistent with the Fremont TOD Goals and Objectives, including BART's goals for optimizing density, activating streets and public spaces, and facilitating access to the station.	10
	B. Approach to affordable housing. Approach meets BART's goal to create a mixed income community and achieve the requirements of the BART Affordable Housing Policy – more points for including middle or moderate income housing (80-120% AMI) in excess of the minimum 20% reserved for low income households (80% AMI).	3

Fremont Developer Scoring SCORING CRITERIA		Total Possible Score
	C. Feasibility. Concept demonstrates deep understanding of financing of each proposed product type (e.g., affordable housing, market rate housing, middle income housing, retail/services space) as well as public infrastructure such as open space. Responses reflect viable approach to balancing market feasibility, financial/schedule feasibility, City goals, and BART needs.	5
3. Capability/Fit of Development Team, Including Lender References 10 points possible	A. Financial Capability/Lender References. Demonstrated ability to secure funding and financing for a long term, multi-phase project, based on past projects; team members with financing capabilities; positive lender references. For full points, demonstrated success meeting public infrastructure needs, and with securing external grant or other funding sources.	5
	B. Acceptance of ENA Template. Willingness to execute ENA in substantially the same form provided.	5
4. Roles and Responsibilities 10 points possible	A. Roles. Firms identified offer strong overall qualifications for key predevelopment needs. Project manager experience is highly relevant to this Project. If a team, relationship between parties is clearly defined, as exhibited by JV agreement or similar identifying the percentage ownership anticipated for each component of the project.	5
	B. Small Business Participation. Small business participation commitment percentage as reflected in Attachment 2, Project Team.	5
5. Financial Offer 20 points possible	A. Proforma. Developer has completed the required proforma, with reasonable and substantiated assumptions regarding development costs, values, internal and external financing sources, and financial returns to the developer. Developer has assumed reasonable and reliable expected sources and uses of financing for predevelopment, construction, and operations. Proforma includes market-rate developer contributions to affordable housing funding.	5
	B. BART Financial Offer. Developer has proposed reasonable values and schedule of proposed ground lease payments, including escalation factors, market resets, and BART participation in cash flow above priority returns for developers/investors, including how such payments relate to BART's Financial Return Framework.	10
	C. Performance Guarantees. Developer has a reasonable approach to determining project performance milestones and guarantees, including lease option payments and phase-by-phase and total project delivery requirements and/or conceptual default/cure provisions.	5
Written Submittal Total Points:		80

Fremont Developer Scoring SCORING CRITERIA	Total Possible Score
Interview: 20 points possible	
1. CONTENT Team's understanding of the issues, and ability to balance needs of multiple stakeholders and deliver a viable project.	5
2. TEAM Team experience and day-to-day project managers demonstrate: <ul style="list-style-type: none"> - capability to address the critical issues facing this site; - the investment and commitment to delivering a successful development; - ability to think strategically and creatively about issues; - (if more than one development partner proposed) the collaborative nature needed to maintain a positive working relationship with City and BART. 	10
3. PRESENTATION Ability to represent development and BART in a public setting, as demonstrated by the communication skills of the presenters.	5
Interview Total Points:	20
Cumulative Total Points	100

D. Rights of BART

This RFP does not obligate BART to select a development team for the Property, nor does it commit BART to enter into an Exclusive Negotiating Agreement. Costs incurred in preparation and submittal of responses are the sole responsibility of the proposers.

BART may require additional evidence of qualifications to perform the services described in this RFP.

BART reserves the right to, in its sole discretion:

1. Reject any or all proposals or advertise for new proposals.
2. Modify the RFP process including, but not limited to, modifying the timeline set forth in Section VII – Schedule of Activities (with appropriate notice to respondents).
3. Postpone interviews or the evaluation process.
4. Remedy technical errors in this RFP.
5. Approve or disapprove of the use of particular partners/subcontractors.
6. Waive weaknesses, informalities and minor irregularities in proposals, permit corrections, and seek and receive clarifications to a proposal.
7. Conduct interviews at its discretion or bypass oral interview phase.
8. Hold meetings, conduct discussions, and communicate with the teams responding to this RFP to seek an improved understanding and evaluation of the responses.
9. Negotiate with any, all, or none of the respondents.

VI. PREDEVELOPMENT COSTS

There are certain predevelopment costs that are associated with the Project. In addition to the proposal deposit referred to in Section V.A, they are as follows:

A. ENA deposit

The ENA provides the Selected Developer with an initial period during which it may exclusively negotiate the terms of the development with BART. Throughout the joint development effort between BART and the Selected Developer, the Selected Developer will be asked to fund BART's Fremont BART Transit-Oriented Development working account for the purposes of covering BART staff time, direct costs, and outside consultant expenses, including design and engineering review, community outreach, term sheet negotiation, drafting and negotiation of option agreements and leases, and outside counsel expenses connected with the foregoing.

BART will provide an estimated budget for expenses associated with the ENA term. The developer will be expected to fully cover BART expenses, for the purposes described in the preceding paragraph. The actual expenses incurred, and payable to BART, may vary from the estimated budget.

To fund this account, BART will require the Selected Developer to take the following actions:

- The initial Twenty-Five Thousand Dollar (**\$25,000**) deposit provided upon submittal of the proposal from the Selected Developer will be deposited by BART upon selection of developer by the BART Board of Directors.
- Upon execution of the ENA the Selected Developer must make an additional deposit by submitting a check or wire to BART totaling One Hundred Twenty-Five Thousand Dollars (**\$125,000**), for a total ENA deposit of One Hundred Fifty Thousand Dollars (**\$150,000**).
- The Selected Developer must make all checks or wires payable to the San Francisco Bay Area Rapid Transit District with the following note in the memo: "Fremont BART Station ENA Deposit".

The above-mentioned deposit will be placed in an account controlled by BART to fund BART's predevelopment expenditures associated with the Project, as described above.

When the project account is depleted below **\$40,000** due to project-related expenses, the Selected Developer will be obligated to deposit additional money into this account to assure sufficient funding for BART predevelopment and construction expenditures for the Project at BART's request.

BART expects that an ENA will be executed with the developer within 90 days of the BART Board of Director's approval of the selected developers. BART will charge for each month, or any portion thereof, beyond the 90 days that the ENA is not executed. **This Pre-ENA Charge will start on the 91st day at \$2,000 per month and increase by \$2,000 for each subsequent thirty days.** If charged, it will be deducted from the \$25,000 deposit provided at the RFP submission, which would otherwise be used for other BART expenses.

B. Station access plan

The Selected Developer will be required to fund an Access Plan that will be managed by BART and prepared by one of BART's on-call consultants, addressing issues described in Section VIII.A.4 of this RFP. The **estimated** cost of the Access Plan is **\$150,000 - \$175,000**. The Selected Developer will be required to reimburse BART for its full cost for preparation of the Plan regardless of whether it is

within this range. The first phase of the Access Plan must be completed prior to submittal of a development proposal to the City.

C. Reimbursement for predevelopment studies

BART will also require that the Selected Developer reimburse BART for the expenses related to procuring the consultant reports that the project design will likely incorporate. These include a Phase 1 environmental assessment, a desktop seismic study, and a survey. The total cost of these reports was **\$59,500**. This reimbursement will be due within 30 days of ENA execution and shall be paid via a separate check or wire, with memo “Fremont TOD REAP reimbursement.”

VII. SCHEDULE OF ACTIVITIES

The timeline on page 2 and the information below is provided for Respondents’ scheduling information, but is subject to change at the discretion of BART.

A. RFP timeline

EVENT	DATE
RFP Issuance	April 28, 2026
Respondent Registration Deadline (optional)	May 18, 2026, noon
Pre-Submittal Conference & Networking Session (optional)	May 19, 2026, 9:30am
Final Questions & Requests for Clarification Due	June 1, 2026
BART Response to RFP Questions/Clarifications	June 15, 2026
<i>Proposals Due</i>	<i>July 16, 2026, 4:00pm</i>
Shortlist Announced	August 15, 2026
Interviews	August 24-25, 2026
BART Board Considers Authorization to Enter into Exclusive Negotiating Agreement	~October 2026

B. Optional registration for RFP

Registration is for parties interested in responding to the RFP. Interested parties are not required to register in order to respond. However, in order to submit questions about this RFP, access the Pre-Submittal Conference described in the next section, and receive other information regarding this opportunity, developers and potential Respondent team members must submit a completed RFP Registration Form at <https://forms.gle/Kfw9d52UBDcWbYv47> by May 18 at noon.

C. Pre-submittal conference and networking session

An optional pre-submittal conference will be held in person on May 19 from 9:30am-11:00am in the BART Board Room on the ground floor of 2150 Webster Street in Oakland (nearest BART station: 19th Street/Oakland). This time and location are subject to change; please confirm them on the project website at the URL stated on page 2.

The pre-submittal conference will offer potential Respondents the chance to ask clarifying questions following a brief presentation. Responses to questions from registered potential Respondent team members will be included in a response document for distribution. The Pre-Submittal Conference will be recorded and the recording will be available online approximately 10 business days after the event.

Immediately following the pre-submittal conference, the District’s Office of Civil Rights (OCR) will facilitate a Networking Session for subconsultants to meet with potential Respondents for participation opportunities. Mr. Grant Johnson from OCR is the point of contact for this effort. Developers who would like to set up a designated table to represent their firm as a potential prime during the Networking Session are advised to contact Mr. Grant Johnson at gjohns3@bart.gov no later than May 15 and confirm your firm’s presence at the Networking Session.

D. Submittal of questions and requests for clarification

Registered parties should submit their questions or requests for clarification regarding this solicitation in writing, emailed to Mr. Matt Lewis at matt.lewis@bart.gov using the subject header “Fremont RFP Questions.” All questions must be received by the date stated in the RFP Timeline, above, in order to

ensure their timely response well in advance of the RFP deadline. Responses to questions from registered potential Respondent team members will be included in a response document for distribution.

VIII. RELEVANT BART POLICIES & PROCEDURES

BART operates approximately 110 miles of rapid rail service serving 50 stations in five counties of the Bay Area (Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara Counties). BART owns over 250 acres of developable property and has completed TOD projects at 16 stations. This section describes policies and procedures guiding BART's TOD program.

A. BART policies and guidelines affecting TOD

1. BART TOD Goals and Guidelines

BART is the steward of a large-scale public investment which includes important real property assets essential to BART's operation. These assets also contribute to the ongoing financial viability of the transit system. As such, a key criterion for TOD on BART-owned property, which will be included in any and all option agreements and ground leases that may ultimately be entered into, is that TOD developments may not negatively impact BART's transit operations, as determined in BART's sole discretion. Any ground lease entered into to effectuate TOD will include liquidated damages for unpermitted impacts to BART's transit operations

By promoting high quality, intensive development on and near BART-owned properties, the District can increase ridership, support long-term system sustainability, and generate new revenues for transit. BART's TOD goals, as contained in the District's [TOD Policy](#) adopted by the BART Board of Directors on June 9, 2016 and amended April 23, 2026, consist of:

- a) *Complete Communities*. Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.
- b) *Sustainable Communities Strategy*. Lead in the delivery of the region's land use and transportation vision to achieve quality of life, economic, and greenhouse gas reduction goals.
- c) *Ridership*. Increase BART ridership, particularly in locations and times when the system has capacity to grow.
- d) *Value Creation and Value Capture*. Enhance the stability of BART's financial base by capturing the value of transit, and reinvesting in the program to maximize TOD goals.
- e) *Transportation Choice*. Leverage land use and urban design to encourage non-auto transportation choices both on and off BART property, through enhanced walkability and bikeability, and seamless transit connectivity.
- f) *Affordability*. Serve households of all income levels by linking housing affordability with access to opportunity.

Additionally, the BART Board adopted performance targets for the TOD Program in 2016. These targets can be found online at www.bart.gov/TOD. Most notably, BART aims to produce 20,000 housing units and 4.5 million square feet of office/commercial space on its properties by 2040, with a goal that 35% of housing built on BART properties, or 7,000 units, will be affordable. The targets establish a system-wide parking maximum of 0.9 spaces/unit and 1.6 spaces/1,000 square feet of office for BART properties.

A full summary of BART's policies and expectations related to transit-oriented development on and beyond its property can be found on the [BART TOD Guidelines](#) website. Respondents should familiarize themselves with these guidelines and policies.

2. Project Stabilization Agreements, Small and Local Businesses, and Prevailing Wages

On November 17, 2011, the BART Board [adopted a policy](#) requiring a Project Stabilization Agreement (PSA) with local hire provisions to be utilized for the construction of all improvements, both project improvements and transit improvements, in connection with TOD projects. Refer to [BART's TOD website](#) to review all applicable policy documents.

BART is also committed to fostering opportunities for small and local businesses and will work with developers to facilitate connections with relevant, certified small businesses seeking to work on the Project; see Section IV.D.

Lastly, any ground lease entered into as a result of this RFP will require that the tenant may not pay less than prevailing wages for the construction of all improvements to be constructed pursuant to that ground lease, with prevailing wages to be determined in accordance with the applicable wage determination rates pursuant to the California Labor Code, or pursuant to wage scales negotiated by the tenant in the above-referenced PSA.

3. BART Station Access Policy

In June 2016, the BART Board adopted its [Station Access Policy](#) (PDF) to guide investment priorities in rider access, particularly as they relate to TOD on BART land.

The Station Access Policy classifies all non-airport stations as one of five types based roughly on the share of riders who access BART by driving and parking. From lowest to highest auto mode share, the classifications are **Urban, Urban with Parking, Balanced Intermodal, Intermodal-Auto Reliant, and Auto Dependent**. Each station is not only designated as an existing access type but also as an aspirational one. Where BART has developable land, it is generally expected that the share of riders who drive and park will decrease when TODs are built, which is why existing and aspirational station access types often differ from one another. These designations assist BART with decisions for primary and secondary access investments to be pursued. Depending on the station type, investment priorities may variably emphasize improvements in biking, walking, passenger loading, or bus connections.

The Station is classified currently as **Intermodal Auto-Reliant** station but with TOD it will transition to **Balanced Intermodal** with a smaller share of riders who drive and park to access BART. Walking and biking station access are the primary investments to be pursued while transit, shuttle, and passenger loading are secondary. Taxi, rideshare, and rider parking are still accommodated. Reducing the need for rider parking helps BART advance the access policy goals, as well as its TOD policy goals to maximize the amount of development on BART property.

The Station Access Policy identifies the following goals:

- a) **Safer, Healthier, Greener:** Advance the region's safety, public health, and greenhouse gas (GHG) and pollution-reduction goals.
- b) **More Riders:** Invest in station access to connect more riders cost effectively, especially where and when BART has available capacity.
- c) **More Productive and Efficient:** Manage access investments, programs, and current assets to achieve goals at the least cost.
- d) **Better Experience:** Be a better neighbor, and strive for an excellent customer experience, including on the first and last mile of the trip to and from BART stations.
- e) **Equitable Services:** Invest in access choices for all riders, particularly those with the fewest choices.

- f) **Innovation and Partnerships:** Be an innovation leader, and establish durable partnerships with municipalities, access providers, and technology companies.

BART's [2024 Station Profile Study](#) for home-based trips to access the Station revealed that 29% of riders walk, bike or use an e-scooter to access the Station, almost double the 15% mode share from the 2015 Station Profile Study. Bus and shuttle transit to the Station was roughly similar for 2024 and 2015 (9% and 8% respectively). The drive-and-park mode share was 34% in 2024, 10% less than the 44% in 2015. There was a 5% reduction in drop-offs, with 28% in 2024 compared to 33% in 2015.

4. Station Access Plan

[BART's Multimodal Access Design Guidelines](#) (MADG) provides guidance for all modes of station access as TOD Phase 1 is designed and developed.

The Project will be built in an operating, high-capacity transit environment. Maintaining and enhancing customer access to the Station during and following construction is a high priority for BART. As noted above, BART's Station Access Policy calls for increasing the number of people who travel to the system by modes other than a single-occupancy vehicle, so this study will focus in particular on infrastructure, program and policy improvements aimed at making it easier, safer, and faster to travel to the Station by walking, biking, and taking transit. BART will lead an access plan for the Station, which will be funded by the Selected Developer as described in Section VI.B of this RFP.

The purpose of the *Fremont BART Station Access Plan* will be to evaluate current and projected access needs to the Station in the absence of development at the Fremont BART Station, assess how the proposed development would impact those needs, and propose solutions to ensure safe and efficient access to the Station.

Specifically, the Station Access Plan will:

- Identify existing and future station access needs by BART customers traveling by all modes and by vehicles that service the station for operations, maintenance, repairs, and for emergencies. It will ensure that the Project maintains and enhances access from the surrounding areas to the Station. Attention will be paid to walk access (up to a half mile from the Station) and bike, transit, and emerging mobility access (up to a mile from the Station).
- Detail curb space management needs for passenger loading by shuttle, private vehicles, taxis and ride-app vehicles considering the reduced parking supply envisioned as part of the development.
- Identify on-site pedestrian and bicycle circulation enhancements required to ensure long term functionality and capacity of the Station entrances.
- Assess potential transit enhancements that could be leveraged from the Project to make it easier and/or faster to use bus transit to access the Station.
- Prioritize the proposed improvements to identify those to be provided by the Selected Developer in the Project and develop a funding strategy for remaining enhancements.

Once the Selected Developer has submitted a conceptual development plan to BART, a second phase of the Station Access Plan will evaluate the ability of the plan to accommodate the access needs identified through the process outlined above, with consideration to financial feasibility of the Project,

potential grant and other subsidy sources, and accommodation of space for long term improvements that may not be made as part of the development itself.

5. Transportation Demand Management (TDM) Requirements

In August 2020, the BART Board adopted AB 2923 Development Principles which included TDM requirements that apply to the Project. Respondents are directed to familiarize themselves with [BART Transportation Demand Management Program for Transit-Oriented Development](#), which includes a toolbox of TDM measures and requirements for ongoing monitoring and reporting, and to consider incorporating TDM elements into their preliminary development concepts.

6. Multimodal Access Design Guidelines (MADG)

BART's [MADG](#) is focused on the BART rider experience, with the goal of prioritizing active and high-occupancy modes to ensure that the station areas contribute to the community fabric and encourage BART ridership. By prioritizing human activity, the MADG encourages station area design to:

- Reduce conflicts between modes;
- Enable direct, efficient access and seamless connectivity between multiple modes; and,
- Make station areas easy to navigate.

Internal circulation within the Project will be expected to comply with these guidelines and other best practices in pedestrian- and bicycle-centered street design.

7. BART Art Policy

Through its [Art in Transit Policy](#) (2018), BART will defer to the **City Center Art District Program** per 18.43.125 of the Fremont Municipal Code (FMC). However, BART policy does not allow for the option of in-lieu payments in place of the provision of on-site art projects.

8. Affordable Housing

The BART Board adopted an Affordable Housing Policy on January 28, 2016. This Policy requires that “the percentage of affordable units and/or depth of unit affordability based on Area Median Income (“AMI”) categories in any residential developments at its stations shall be a part of the District’s assessment of RFQ/RFP responsiveness. There shall be a priority on residential units made available to very low (< 50% AMI) and low (51-80% AMI) income households.” This priority is reflected in the evaluation criteria provided in Section V.C. The policy sets a minimum of 20% affordable housing in each TOD, with a target of achieving 35% portfolio-wide.

9. Limitation on Land Value Discounting

The District’s TOD policy, as amended in 2020, includes a [framework \[pdf\]](#) for any land discounts that may be negotiated when affordable housing is provided on BART’s land. Typically, unless projects meet or exceed 35% affordable housing or meet special conditions, no discount shall be negotiated. This TOD is not expected to include 35% or more affordable housing or meet the special conditions; therefore, no land discount is anticipated. Respondents are directed to familiarize themselves with this framework, which, along with all other documents on BART’s TOD website, should be part of Respondents’ due diligence.

B. Regional requirements affecting BART properties

The Project will be required to comply with all applicable NPDES (National Pollutant Discharge Elimination System) Stormwater Permit requirements. Stormwater management from any parcels subject to the City of Fremont’s building permit authority shall be regulated under the Municipal Regional NPDES Permit issued to the City of Fremont. Stormwater management for parcels not under the building permit authority of the City of Fremont will be regulated under BART’s Phase II Small MS4 (municipal separate storm sewer system) General Permit and the Trash Amendments (Water Code 13383 Orders), issued by the California State Water Resources Control Board. The Project will be required to comply with all provisions of these permits and orders and will be required to enter into maintenance agreements for stormwater management with both the City and BART that will include stormwater infrastructure maintenance and submitting annual inspection and maintenance reports for the life of the Project.

C. State law affecting BART properties

1. Assembly Bill 2923

In 2018, Governor Jerry Brown signed [AB 2923](#) (Chiu/Grayson, 2018), state legislation that affects zoning requirements on developable, BART-owned property within a half-mile of station entrances in Alameda, Contra Costa, and San Francisco counties. AB 2923 includes several components, including, but not limited to:

- *TOD Standards:* Affected local jurisdictions had until July 1, 2022, to rezone BART’s property to align with or exceed AB 2923 Baseline Zoning Standards, as indicated in [A Technical Guide to Zoning for AB 2923 Conformance](#). AB 2923 standards currently apply to the Station parking lots. They call for zoning that at a minimum, allows 75 dwelling units per acre, building heights of seven stories, and a 4.2 floor-area-ratio. Vehicle parking requirements preclude parking minimums for any use, and establish parking maximums of 0.5 spaces per residential unit and 2.5 spaces per 1,000 square feet of office space. Shared and unbundled vehicle parking must be allowed. Bicycle parking requirements include a minimum of one long-term secure parking space per dwelling unit.
- *Development Streamlining:* Developers in an ENA with BART to develop its property may apply for expedited approval from local cities and counties, as articulated in Senate Bill 35, as amended by SB 423, if:
 - a. the project is at least 50% residential;
 - b. a minimum of 20% of proposed housing is affordable to low- or very low- income households;
 - c. the height is within one story of the tallest approved height within a half-mile; and
 - d. the construction plan meets required labor standards described in the bill.

2. Surplus Land Act

AB 1486 (Statutes of 2019, Chapter 664) and AB 1255 (Statutes of 2019, Chapter 661) made changes to the Surplus Land Act (“SLA”) found in Government Code Sections 54220 et seq. Generally, the purpose of the amendments is to promote affordable housing development on unused or underutilized public land throughout the state to address the existing affordable housing crisis. The amendments to the SLA adopted via AB 1486 and AB 1255 clarify and strengthen reporting and enforcement provisions of the SLA to promote increased compliance with the Act.

On April 23, 2026, the BART Board of Directors approved changes to its TOD Policy to establish an “SLA Portfolio” consistent with the provisions of Government Code section 54221(f)(1)(S). The Property is part of BART’s SLA Portfolio, and it is BART’s intent that any ground lease of the Property in connection with the Project will be compliant with Government Code section 54221(f)(1)(S).

3. State Density Bonus (Gov. Code §6591)

Projects may also qualify for the California State Density Bonus Law, which allows for increased density and waivers/concessions of relevant zoning standards. BART would advise that interested parties consult land use counsel on how the Density Bonus Law interacts with all the applicable standards at the Fremont TOD, including AB 2923 standards.

4. Senate Bill 79

As of July 1st, 2026, SB 79 will apply to the Fremont TOD site. SB 79 development standards may provide an additional option for entitling certain aspects of a proposed development that are restricted under other policies. In either case, BART advises that the Selected Developer seek a land use attorney’s opinion for legal certainty on how SB 79 interacts with the existing state and local standards.

IX. CITY OF FREMONT ROLES, PLANS, AND POLICIES

The City has primary roles for this project as the lead agency pursuant to the California Environmental Quality Act (CEQA), land use entitlement authority, and as a potential source of funds for affordable housing.

A. Lead agency and land use entitlement authority

The City will serve as lead agency pursuant to CEQA for any required environmental review and entitlement approvals. AB 2923 and other state laws provide for exemptions to CEQA analysis under certain circumstances.

Any questions about City policies or processes should be directed to:

Mark Hungerford, Senior Planner
39550 Liberty St.
First Floor
Fremont, CA 94538
510-494-4541
mhungerford@fremont.gov

B. Affordable housing funding

The City's Housing Division administers local funds for affordable housing developments. The fund largely consists of proceeds from impact fees collected on commercial and residential development in the City. The City issues a NOFA for funding applications as fees are collected at sufficient scale. NOFAs were issued recently in 2021 and 2023 for \$45 million and \$30 million, respectively. The timing of the next NOFA issuance is unknown at this time. To receive notifications of NOFA opportunities, please sign up on the City of Fremont's [Builder's Interest List](#).

The City will also serve as the administrator of its Affordable Housing Ordinance, which requires the submission and approval of an Affordable Housing Plan.

Any questions about City of Fremont housing policy and/or funding should be directed to:

Lucia Hughes, Housing Manager
39550 Liberty St.
Fremont, CA 94538
510-494-4506
Lhughes@fremont.gov

City of Fremont's zoning and affordable housing requirements are generally detailed below. In some cases, requirements by the state or BART may supersede local requirements or zoning.

C. City Center-Transit Neighborhood (CC-TN) Zoning

Per Chapter 18.43 of the FMC, the Property is subject to CC-TN zoning as part of its City Center Districts. The zoning is form-based and intended for large, multi-story buildings with housing and ground floor retail and services. The [City Center Community Plan](#), adopted in 2015, provides additional context and urban design guidance for the CC-TN and other City Center Districts.

Chapter 18.183.020 of the FMC identifies that no parking minimums are required for developments within a half-mile of public transit, such as the Project.

Chapter 18.152, a TOD overlay zone, establishes FAR minimums, although the FAR maximum in that chapter is superseded by AB 2923.

The basic development standards for the Property are summarized in Error! Reference source not found.. Development standards are from the FMC unless otherwise indicated.

Table 2: Development Standards for the Property

Standard	Minimum	Maximum
Height (stories/feet)	4 stories /42 feet	12 stories/145 feet
Height within transition areas (stories/feet)		7 stories ¹
Floor-Area Ratio	1.25	4.21
Ground floor story height	16 feet	
Upper story height	10 feet	
Residential car parking	No minimum	0.5 space per unit ¹
Residential secure long-term bicycle parking	1 space per unit ¹	
Office car parking	No minimum	1.6 spaces per 1,000 square feet ¹

¹ Assembly Bill (AB) 2923 Baseline Zoning Standard

The CC-TN zoning district also includes specific development and design standards related to the placement of parking and its screening, block patterns, and building frontage types. The City Center Districts contain additional guidance on the City’s vision for the property, as well as requirements around the provision of public art. Attachment 7 contains a letter from the City of Fremont to BART’s Board of Directors detailing some of their high-level requirements for the project.

D. Affordable housing requirements

Fremont has a local Affordable Housing Ordinance (“Ordinance”) for housing development (FMC Chapter 18.155), which requires new rental projects to either pay a fee or dedicate 10% of the on-site units as below-market rate (BMR) affordable units for lower income households earning 80% area median income (AMI) or less. (This is less stringent than BART’s Affordable Housing Policy described in Section VIII.A.8 above which requires a minimum of 20% affordable housing within each TOD and does not provide for in-lieu fee payment.) The ordinance requires that the affordable units be comparable in quality to market-rate units and spread throughout the project. Stand-alone affordable housing developments are eligible to meet this requirement. The timing and occupancy of the market rate units should be established at a ratio proportional to the timing and occupancy of the affordable units. The Affordable Housing Ordinance also requires that projects submit an Affordable Housing Plan.

X. GLOSSARY OF ACRONYMS AND ABBREVIATIONS

Acronym or abbreviation	Spelled out	Notes
AB	Assembly Bill	California law passed by the state's assembly
AC Transit	Alameda-Contra Costa Transit District	Primary public bus operator around the Fremont BART Station
ADA	Americans with Disabilities Act	
AMI	Area Median Income	
BART	San Francisco Bay Area Rapid Transit District	
BMR	Below Market Rate	
Board	BART Board of Directors	
CFD	Community Facilities District	
City Council	Fremont City Council	
District	San Francisco Bay Area Rapid Transit District	
EIR	Environmental Impact Report	
ELI	Extremely Low Income	
ENA	Exclusive Negotiating Agreement	
FMC	Fremont Municipal Code	
FDP	Final Development Plan	
IRR	Internal Rate of Return	
JV	Joint Venture	
MADG	Multimodal Access Design Guidelines	BART's 2016 design guidelines for rider access to stations by all modes
MS	Microsoft	
MS4	Municipal Separate Storm Sewer Systems	Regulated by the State Water Resources Control Board
NOFA	Notice of Funding Availability	
OCR	Office of Civil Rights	Department responsible for advancing opportunities for small businesses engaged with BART
PDP	Preliminary Development Plan	
PROWAG	Public Right of Way Accessibility Guidelines	
PSA	Project Stabilization Agreement	
RFP	Request for Proposals	
RPP	Residential Parking Permit	
SB	Small Business	Also in some cases denotes "Senate Bill"
SLA	Surplus Land Act	Found in California's AB 1486 (Statutes of 2019, Chapter 664) and AB 1255 (Statutes of 2019, Chapter 661)
TCAC	Tax Credit Allocation Committee	
TDM	Travel Demand Management	Also known as Transportation Demand Management
TOD	Transit-Oriented Development	

Acronym or abbreviation	Spelled out	Notes
TPSS	Traction Power Substation	Infrastructure that powers BART trains
VTA	Valley Transportation Authority	Operates in Santa Clara County
ZOI	Zone of Influence	Area designated to prevent any construction- or excavation-related impacts on existing BART facilities

List of Attachments

See the corresponding link for the downloadable files.

- 1) [BART Basis of Design Criteria](#)
- 2) [Project Team - Small Business Participation](#)
- 3) [Qualifying Project Form](#)
- 4) [Form of Exclusive Negotiating Agreement \(ENA\)](#)
- 5) [Form of ENA Deposit Letter](#)
- 6) [Workbook:](#)
 - a) Project Summary
 - b) Summary Sources and Uses
 - c) Stabilized Income
 - d) Financial Offer
- 7) [Due Diligence and other Site Information](#) :
 - a) 2008 Survey
 - b) 2026 Survey
 - c) 2026 Survey CAD files
 - d) TOD Phase 1
 - e) Title Report
 - f) [Seismic Report](#)
 - g) Community Engagement Results
 - h) Goals and Objectives
 - i) Phasing Map
 - j) City of Fremont letter



Attachment 1: **BART Basis of Design Criteria**

See https://www.bart.gov/sites/default/files/2026-04/Att 1- Basis of Design_BOD Criteria_Fremont.pdf



Attachment 2: Project Team - Small Business Participation

See <https://www.bart.gov/sites/default/files/2026-04/Att%202-%20Project%20Team%20-%20SB.docx>

(To be Completed by Proposer Only – use multiple pages as needed)

Name and contacts for all firms participating in the agreement (including prime and subconsultants)	Check if small business (SB) with CA DGS	Nature of participation
Name of firm: _____ Address: _____ _____ _____ Point of contact: _____ Email: _____ Phone number: _____		
Name of firm: _____ Address: _____ _____ _____ Point of contact: _____ Email: _____ Phone number: _____		

The SB participation commitment offered by Proposer will be _____%.

Name of Authorized Officer of Proposer (Print or Type)

Signature of Authorized Officer of Proposer

Attachment 3: Qualifying Project Form

See <https://www.bart.gov/sites/default/files/2026-04/Att%203-%20Qualifying%20Project%20Form.docx>

1. Completed project name and address *Certificate of Occupancy (C of O) <i>must</i> be before proposal deadline*																																																									
2. Type of real estate product incl. acq-rehab vs. new construction																																																									
3. Lead developer entity & project manager name																																																									
4. Role(s) of RFP respondent(s) (<i>i.e.</i> managing partner, limited partner, consultant, etc; identify if joint venture)																																																									
5. General contractor																																																									
6. Architect																																																									
7. Construction dates (month/year of construction start & of C of O)																																																									
8. Number of stories & construction type(s) (indicate material, <i>i.e.</i> wood, steel, etc)																																																									
9. Unit mix (<i>i.e.</i> # of studios, 1-Bdrms, etc; <u>most restricted</u> Area Median Income breakdown, average affordability level)	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="padding: 2px;">Unit Type</th> <th style="padding: 2px;">≤ 30% AMI</th> <th style="padding: 2px;">40% AMI</th> <th style="padding: 2px;">50% AMI</th> <th style="padding: 2px;">60% AMI</th> <th style="padding: 2px;">80% AMI</th> <th style="padding: 2px;">120% AMI</th> <th style="padding: 2px;">Market rate</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Studio</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td style="padding: 2px;">1-br</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td style="padding: 2px;">2-br</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td style="padding: 2px;">3-br</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td style="padding: 2px;">Total</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td style="padding: 2px;">%</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </tbody> </table> <p style="margin-top: 10px;">Total Number of Units (including any manager units): _____ Average Affordability Level: _____</p>	Unit Type	≤ 30% AMI	40% AMI	50% AMI	60% AMI	80% AMI	120% AMI	Market rate	Studio								1-br								2-br								3-br								Total								%							
Unit Type	≤ 30% AMI	40% AMI	50% AMI	60% AMI	80% AMI	120% AMI	Market rate																																																		
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Total																																																									
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10. Population breakdown (<i>i.e.</i> Family Rental, Senior Rental, Supportive Housing, Student, etc.)																																																									
11. Private amenities Included (<i>i.e.</i> community room, front desk, laundry, resident courtyards)																																																									
12. Public amenities Included (if any, <i>i.e.</i> placemaking/placekeeping elements, civic facilities, or other community benefits)																																																									

<p>13. For any public amenities, describe how they were funded, including operations & maintenance</p>	
<p>14. Total residential square footage</p>	
<p>15. Total square footage of leasable non-residential / commercial area (if any)</p>	
<p>16. Interior non-residential space: describe approach to ground floor activation and pedestrian orientation</p>	
<p>17. Off-street parking amount and breakdown (residential/other)</p>	
<p>18. How does residential parking provided compare with local parking ratio requirements? (i.e, equal to, greater than, or less than due to a waiver or variance)</p>	
<p>19. Is parking cost bundled with rent, or is it separately priced?</p>	
<p>20. Summary of financing sources (indicate construction and permanent financing sources and amounts, as well as equity sources)</p>	
<p>21. Total development cost (include per unit and per square foot cost)</p>	
<p>22. Government affordable housing program involvement (briefly describe)</p>	
<p>23. Contact Information for lenders (current)</p>	
<p>24. Is project on a ground lease?</p>	
<p>25. Does project involve a business relationship with a public agency? If so, please describe.</p>	
<p>26. Community engagement (describe any unique approaches)</p>	
<p>27. Awards received by project</p>	
<p>28. Brief project narrative (optional)</p>	



Attachment 4: **Form of Exclusive Negotiating Agreement (ENA)**

See <https://www.bart.gov/sites/default/files/2026-04/TOD%20Fremont%20Att%204.zip>



Attachment 5: Form of ENA Deposit Letter

See <https://www.bart.gov/sites/default/files/2026-04/Att%205%20-%20Deposit%20letter%20template.docx>



Attachment 6: **Workbook**

See <https://www.bart.gov/sites/default/files/2026-04/Att%206%20-%20Fremont%20financial%20workbook%20FINAL%20REV.xlsx>

Attachment 7: Due Diligence and other Site Information

<https://www.bart.gov/sites/default/files/2026-04/FremontTOD%20Att%207-1.zip> for all files except the Seismic Report, which is here: <https://www.bart.gov/sites/default/files/2026-05/Fremont%20TOD%20Fault%20Desktop%20Study%20Final%20r1%20%28abv%29.pdf>

- a) 2008 Survey
- b) 2026 Survey
- c) CAD Files for 2026 Survey
- d) TOD Phase 1
- e) Title Report
- f) [Seismic Report](#)
- g) Community Engagement Results
- h) Goals and Objectives
- i) Phasing Map
- j) City of Fremont letter