

**FREMONT BART STATION TOD-PHASE I
RESPONSES TO SUBMITTED QUESTIONS & REQUESTS FOR CLARIFICATION**

JUNE 15, 2026

The following is a compilation of questions posed during the pre-submittal conference and by email. They are grouped by topic and presented alphabetically.

Affordable Housing

1. Does BART have a preference regarding whether affordable housing is integrated throughout the site, concentrated within specific buildings, or delivered through a combination of approaches?
 - a. No, but BART prefers that the affordable and market rate components form a cohesive and inclusive community. In BART TOD projects it is typical for affordable housing to be provided in separate buildings from market rate housing. The development team's proposal for integrating the affordable housing into a cohesive community will be evaluated as part of the RFP scoring.
2. For evaluation purposes, is there a preferred affordable housing percentage for Phase 1, and how will proposals exceeding the 20% minimum affordability requirement be scored?
 - a. The proposal must meet the 20% minimum affordability requirement. Additional affordable housing is acceptable but will not result in a higher score. Consideration will be given for integrating market rate and affordable housing in a cohesive way, as well as for including moderate- or middle-income housing.
3. Can BART confirm whether types of housing with different financing mechanisms that are not listed in the RFP (i.e. Habitat for Humanity or Fremont Unified School District for teacher's housing) would be considered advantageous or not, relative to BART's view of project feasibility?
 - a. BART will evaluate the feasibility of the project's proposed financing as part of the scoring process. Developer teams will need to provide evidence that unconventional or innovative financing approaches are feasible.
4. Is the affordable housing score awarded on a proportional basis or are there specific affordability thresholds that correspond to maximum points?
 - a. Please refer to the evaluation criteria. Exceeding the 20% minimum percentage called for in BART policy will not result in more points.

Affordable Housing for Sustainable Communities (AHSC)

1. Does BART have transit, mobility, or station-area improvement projects that are currently unfunded and could be incorporated into a future AHSC application, such as zero-emission buses, bus shelters, bus bulbs, transit priority improvements, or bicycle and pedestrian infrastructure?
 - a) BART has historically been able to identify unfunded projects that have been competitive for AHSC. In advance of preparing an AHSC application, BART will evaluate whether any projects would be competitive and suitable to affordable phases at Fremont. BART does not maintain a list or plan of unfunded projects that could be incorporated into an AHSC application. Note that BART does not own or operate buses.

BART Rider Parking

2. What minimum parking replacement assumptions should proposers incorporate for Phase 1, and does BART anticipate flexibility in future parking reductions as transit-oriented development is implemented?
 - a) No BART rider parking replacement is required as part of Phase 1.
3. Can BART clarify whether the approximately 700 retained commuter parking spaces identified in the Goals & Objectives document are minimum requirements or planning assumptions?
 - a) These are minimum requirements, but they are being met by the parking lots that are excluded from Phase 1. Phase 1 does not need to provide replacement BART rider parking.
4. Would BART consider a phased reduction of commuter parking if supported by ridership data, transportation demand management measures, and replacement mobility improvements?
 - a) The Goals and Objectives statement's adoption by the BART Board authorizes BART staff to reduce parking in total at Fremont Station to approximately 700 spaces from the current 1,900 spaces. If the proposed Phase I development includes sub-phases that leave some of the rider parking, that is not a problem.

BART Staffing

1. Will BART designate a project manager responsible for coordinating reviews among Planning, Engineering, Real Estate, Operations, Police, Traction Power, Maintenance, and other affected BART departments during the ENA and entitlement process?

- a. Yes, BART’s integration engineering department, or a consultant managed by the integration engineering team, will coordinate reviews related to BART transportation operations and engineering. BART’s TOD project manager will coordinate reviews among other BART departments.

Density and Heights

2. While the RFP encourages density optimization, does BART have any preferred or anticipated building height range for Phase 1, and would proposals containing buildings exceeding five stories be viewed favorably if they support project feasibility, housing production, and public realm objectives?
 - a. BART’s TOD Guidelines set a target of at least 7 stories for residential buildings at stations categorized as “Urban Neighborhood/City Center” such as Fremont Station. Generally, RFP responses that maximize density are preferred, within the constraints of zoning and market feasibility.
3. Does BART have a target residential unit range for Phase 1 development that it considers optimal? Can BART confirm if there is a minimum density requirement? If there is one, would all phases have to independently meet that threshold?
 - a. BART is looking for projects that maximize density within the constraints of City zoning standards and market feasibility. BART’s Board adopted requirements for development on BART owned property have a minimum net density of 75 units per acre, which applies to each building and phase. Further, BART’s TOD Guidelines set a target of at least 7 stories for residential buildings at stations categorized as “Urban Neighborhood/City Center” such as Fremont Station.

Financial Offers

1. Would BART consider a fee simple sale of the land?
 - a. BART policy is to (long-term) ground lease the land.
2. Is BART primarily evaluating the financial offer based on present value of lease revenue, annual ground rent, participation rent, housing production, or a weighted combination of these factors?
 - a. These elements will be evaluated separately. The financial offer will be evaluated and compared on its own, including all proposals for all types of payments to BART, such as ground lease rent, participation rents, and other financial consideration. Housing production will be evaluated as part of the development proposal category.

Hayward Fault

1. Developer requirement to take on responsibility of the fault- is there anything more that can be explained about that?
 - a. State Alquist Priolo Act identifies a standard procedure to identify where the fault is – a geologist led excavation is required to identify where it is exactly. The desktop seismic study attachment includes cost estimates for this work. Please consult with subject matter experts to better understand the requirements.
2. Are you looking for a proposal that excludes the fault area, or contingency plan for development? How baked does the proposal need to be with regard to where the fault is?
 - a. The desktop seismic study presents where the fault is, to the best of our knowledge, and based on the studies done for the Warm Springs BART extension. It grazes the area in the offering. Much of the parking lots near Mowry and the BART tracks appear to be outside of any possible fault setback area.
 - b. For the area closest to the fault line, BART is deferring to developer judgment about what, if anything, to develop and is open to feasible proposals. BART anticipates uses such as open space, circulation or pick and drop off areas. BART has not contemplated alternate plans for areas closest to the fault and is only seeking one proposal/plan per submitting team.
 - c. BART does not expect proposals to include the area between the two branches of the fault. We expect that area to remain as currently configured for buses and BART rider parking.
3. Could landscape improvements be proposed over the fault line on BART property?
 - a. Yes. Please note that developers will be obligated to maintain any new landscape improvements.
4. Preliminary structural assessment suggests that a fault trench investigation is required to characterize subsurface conditions associated with the Hayward Fault zone prior to understanding development footprints. Would BART be willing to participate in a joint fault trench investigation program as part of the Phase 1 due diligence process with the selected development partner?
 - a. The selected developer will be able to conduct trench investigations through BART's permitting process prior to ground leasing any portion of the Phase 1 area. The developer will be obligated to pay for these investigations and any

other due diligence. It is BART's understanding that these investigations typically occur prior to building permit applications, not prior to entitlement review. Any trenching or other site investigations that require site access will require coordination, which would be managed through BART's permitting services.

Labor Requirements

1. Is prevailing wage required for the project, and if so, what portions of the project would be subject to prevailing wage requirements?
 - a. Construction of all project improvements are subject to State prevailing wage requirements as noted on page 40 of the RFP. Additionally, BART requires development projects to negotiate and enter into a Project Stabilization Agreement with the county building trades, per BART's [Project Stabilization Agreement policy for TODs](#) (also linked to on page 40 of the RFP).

Phasing

1. The 8-acre program presents a scale of financial exposure in a single phase that may affect the range of development partners. Would BART consider allowing respondents to propose sub-phases within Phase 1 organized around distinct product types in order to enable a broader set of developer partners? If sub-phasing is entertained, are there minimum program thresholds or sequencing requirements BART would require?
 - a. Sub-phasing is allowed and is typical for BART TOD projects of this size. Access to the station must be maintained throughout construction - for BART operations and maintenance as well as for BART riders of all abilities and modes of station access (drive and park, pick up and drop off, bus, pedestrian, bicycle, etc.). Beyond ensuring continuous access, there are no requirements for sequencing or programming each phase. The feasibility of the phasing will be evaluated as part of the RFP scoring.
2. If the project is developed in multiple phases, can infrastructure, public open space, parking replacement, and utility improvements be phased alongside vertical development, or must all backbone infrastructure be completed during Phase 1?
 - a. No BART rider parking replacement is required. Infrastructure may be phased sequentially along with residential subphases (infrastructure may not be backloaded), so long as access to the station and BART transportation functions are maintained.

3. If the project has multiple phases, does BART require performance guarantees for all phases at the outset, or only for the phase being implemented?
 - a. The contractual performance guarantees will concern the development and associated infrastructure under individual ground leases, rather than all elements being guaranteed at the outset.

Proposal Evaluation and Scoring

1. Can any of the similar Affordable Housing developments used as example qualifying projects be under construction (i.e. fully financed and closed construction financing) but not yet completed?
 - a. No.
2. If a proposal provides a financially feasible Phase 1 plan with substantial affordable housing and community benefits, how will BART balance housing production, affordability, transit ridership, and community benefits against maximizing ground lease revenue?
 - a. Please refer to the scoring rubric in the RFP to see how BART will weigh all of these factors.
3. Does BART envision the preferred development team as primarily an affordable housing developer, a market-rate developer, or a mixed-income partnership, provided the proposal satisfies the RFP's objectives?
 - a. BART does not have a specific preference; however, the development team and each its members will be evaluated on how much experience it has with the specific project type it will be leading, and the entity responsible for master planning will be evaluated on its master planning experience. BART typically sees partnerships between affordable and market rate developers on its TOD projects.
4. Can BART confirm that a market-rate development partner is not required to satisfy minimum qualifications, provided the responding team can demonstrate the financial, development, and master planning capacity required under the RFP?
 - a. Please see Section VI (E) for detail on how combinations of developers can demonstrate their relevant experience. Each development entity must demonstrate relevant experience either on their own or enter into a teaming agreement with an entity that has the minimum experience and maintains majority control.

5. Can BART clarify whether inclusion of a market-rate developer contribution to the affordable housing capital stack is required to achieve full points under Section 5A? If so, what minimum contribution level is required?
 - a. This is not required, but will be a part of the financial package evaluation.
6. May qualifying experience be demonstrated through a combination of team members, affiliates, principals, and joint venture partners?
 - a. Please see RFP Section VI (E) for detail on how combinations of teams can demonstrate their relevant experience.
7. Can master-planned development experience be satisfied through projects completed by key principals while employed at prior firms, provided those principals will have an active role in the Fremont project?
 - a. Only if those individuals were principals (i.e. true co-owners assuming personal financial risk of loss) at their prior firms, and not solely employees without a financial stake in projects.
8. How will Small Business participation be evaluated? Is scoring based on achieving a minimum threshold, percentage participation relative to competing proposals, or a combination of both? Is there a Small Business participation percentage BART considers highly competitive?
 - a. Please RFP see Section V.4.b. Small Business Participation. The proposer with the highest SB participation commitment will receive the full 5 points. All other proposers will be scored relative to the highest commitment using a bell-curve methodology. Firms whose SB participation commitment is within 10% of the highest commitment will also receive the full 5 points, while those within 11–20% will receive 4 points, within 21–30% will receive 3 points, within 31–40% will receive 2 points, within 41–50% will receive 1 point, and <50% will receive 0 points.
9. Can the development team's completed project list include projects located outside the Bay Area and/or outside California if they demonstrate comparable TOD, master-planned, or public-private partnership experience?
 - a. As stated on page 26, completed projects must be in California.
10. Beyond the published evaluation criteria, can BART identify the factors it believes will most distinguish highly competitive proposals?
 - a. These factors are conveyed in the published evaluation criteria and the Goals and Objectives.

RFP Materials and Respondents

1. In reference to the addendum that was issued, is anything else still being worked on that will be issued as an addendum?
 - a. No- the addendum addressed an error regarding which report was put into the RFP. The replacement exhibit is more complete and has a diagram of the estimated fault path.
2. Since the pre-submittal meeting is optional, is it possible to get a list of developers who have expressed interest in the past year?
 - a. We do not have a list of developers who have expressed interest in the past year. However, we did ask registrants for the pre-submittal conference to self-identify as developer/architect, etc. BART continues to share the list of registrants upon request.
3. If a proposer is selected for Phase 1, will BART provide any preferential rights, coordination rights, or future participation opportunities associated with subsequent development phases at the Fremont Station site?
 - a. BART staff only have authorization from the BART Board of Directors now to pursue the Phase 1 development. BART staff intends to request the BART Board of Directors' approval for Phase 2 at a later, undetermined date. A separate RFP will be issued for Phase 2. Completing any portion of Phase 1 could qualify as relevant experience for a Phase 2 RFP.

Station Access: Access Plan, City Projects, Tule Pond Connection

1. Can you explain the process and timeline for BART to prepare the Station Access Plan? What is the duration of the preparation of this plan before entitlements can be submitted to the City of Fremont?
 - a. A two-phase Station Access Plan will be initiated after the ENA is executed. The plan is funded by the development team, will be conducted by one of BART's on-call consultants and managed by BART, as described in the RFP. It typically takes 9 months to complete but is dependent on the development team's pace of design. The first phase identifies access needs and builds upon the Goals and Objectives that were included in the RFP. Once the development team has refined their initial conceptual development plan to address BART's initial comments, a second phase of the Station Access Plan will evaluate the ability of the plan to accommodate the access needs identified with consideration to financial feasibility, potential grant and other subsidy sources, and accommodation of space for long term improvements that may or may not be made as part of the development itself.

2. Can BART provide additional information regarding the anticipated scope, assumptions, and deliverables of the required Station Access Plan to assist proposers in evaluating associated costs, schedule impacts, and design implications?
 - a. Please see page 41 of the Fremont BART TOD Phase 1 RFP for the detailed scope. The Station Access Plan estimated cost is \$150,000-\$175,000. The access plan typically takes 9 months to complete, but is dependent on the development team's pace of design.

4. Are the bikeway projects identified in the Fremont Active Transportation Plan already fully funded?
 - a. The bike/ped network identified in Fremont's Active Transportation Plan outlines a planned City network that the City will aim to implement over time. The planned separated bikeway along Fremont Boulevard between Country Drive to Grimmer Boulevard is the main project in the Downtown Area that is fully funded. This project is currently under design and will be constructed in 2027. For more information on this project, please visit <https://www.fremont.gov/government/departments/public-works/public-works-projects/fremont-boulevard-country-to-mission-view-project>. The Walnut Avenue Bikeway – Phase 2 is currently under construction and should be completed this summer. The project website for that project is: <https://www.fremont.gov/government/departments/public-works/public-works-projects/walnut-avenue-fremont-to-paseo-padre-project>

5. Is there a potential connection to the Tule Pond desired from the site, for recreational trails, etc.?
 - a. BART defers to the development team on whether it would be desirable. Please consult with the City of Fremont and the Alameda County Flood Control & Water Conservation District to determine feasibility.

Timing Assumptions

1. Please confirm that the City entitlement and design review process is expected to be completed within the initial two-year ENA term, and whether BART anticipates providing staff support to facilitate coordination among multiple reviewing agencies and departments.
 - a. Yes, BART expects the developer to obtain entitlement approvals from the City within the 2-year ENA period. BART staff typically coordinate closely with city counterparts to promote a smooth review of TOD projects. BART review

mainly focuses on horizontal elements whereas the locality reviews both horizontal and vertical components.