

BERDO ADMINISTRATIVE GUIDANCE

March 15, 2023
Version 1

COVERED BUILDINGS

The following interpretations of the definitions of Non-Residential Building and Residential Building shall be used to add buildings to the covered building list and to determine whether a property needs to comply with BERDO.

A. PARKING

Definition Interpretation: Standalone parking garages are not covered by the definition for a Non-residential or Residential Building. Any building (or parcel with multiple buildings) that has more than 15 units or 20,000 square feet of non-parking should be covered.

Procedure: The Environment Department will use the following procedures to determine if a parking related parcel is subject to BERDO:

Scenario	Assessing Land Use Code	Assessing Building Type	Procedure
1	Parking related	Parking related	Parcels will not be added to the covered building list.
2	Parking related	Not parking related	The Environment Department will evaluate each parcel with 20,000 square feet or more in Gross Floor Area. If non-parking uses can be readily identified, the parcels will be added to the covered building list.
3	Not parking related	Parking related	The Environment Department will evaluate each parcel with 20,000 square feet or more in Gross Floor Area. If non-parking uses can be readily identified, the parcels will be added to the covered building list.
4	Not parking related	Not parking related	Parcels will be added to the covered building list if they have 15 or more residential units or 20,000 square feet or more of non-residential uses in Assessing.

In Scenarios 2 and 3 above, the Environment Department will use the Assessing records, Google Maps, and other tools to make a determination if the parcel should be covered under BERDO.

Owners may request that the Environment Department remove a parking-related parcel from the covered building list if they believe it should not be subject to BERDO. If the Owner can conclusively demonstrate that either (i) the parcel is a standalone parking garage or (ii) the parcel does not include 15 or more residential units or 20,000 square feet of non-parking uses, the Environment Department will remove the parcel from the covered buildings list.

Assessing Property Occupancy Codes / Land Use Codes for Parking-Related Uses	
108 - Condo Parking	339 - Parking Garage
116 - Res Parking Garage	359 - Condo Parking
119 - Res Parking Lot	387 - Pay Parking Lot
336 - Parking Garage	961 - Parking Garage
337 - Parking Lot	962 - Parking Lot
338 - Subterranean Parking Garage	

B. NON-TRANSIENT GROUP QUARTERS AND DAY CARES

Definition Interpretation: Non-transient Group Quarters and day cares shall be considered as Non-residential Buildings for the purposes of BERDO, as Assessing does not report unit counts for these parcels.

Procedure: The following Property Occupancy Codes and Land Use Codes will be added to the covered building list if the parcel has 20,000 square feet or more in Gross Floor Area:

Assessing Property Occupancy Codes / Land Use Codes for Non-transient Group Quarters and Day Cares	
121 - Rooming House (Rooming and Boarding Houses)	124 - Dormitory
122 - Lodging Suites	129 - Rectory Convent
123 - Residence Hall (Residence Halls or Dormitories)	

C. COOPERATIVE HOUSING (CO-OPS)

Interpretation: BERDO intends to include cooperative apartment corporations because the definition of an Owner includes “the board of directors in the case of a cooperative apartment corporation”.

Procedure: Associated parcels with a common Cooperative Apartment Corporation as the Owner and that have 15 or more residential units or 20,000 square feet or more will be considered covered parcels in BERDO.

D. MIXED-USE BUILDINGS

Definition Interpretation: BERDO defines a covered building based on whether it is primarily residential or non-residential. If majority residential, a building must have 15 or more residential units or a parcel must have multiple buildings with 15 units or 20,000 square feet to be a covered building. If majority non-residential, a building or parcel must have 20,000 square feet or more of Gross Floor Area.

Procedure: Parcels with Assessing Land Use Codes for Multiple Property Uses will be added to the covered building list in the following scenarios:

- The parcel has 15 or more residential units reported; or
- The parcel has 30,000 square feet or more reported under Gross Floor Area.

The Environment Department will use the Assessing records, Google Maps, and other tools to make a determination if the parcel should be added to the covered building list for parcels that meet the following criteria: (i) the parcel has a Multiple Property Use Property Occupancy Code / Land Use Code, (ii) the parcel has between 20,000 and 30,000 square feet of Gross Floor Area, and (iii) fewer than 15 residential units reported.

Owners may request that the Environment Department remove a mixed-use parcel from the covered building list if the Owner can demonstrate that either (i) the parcel has fewer than 15 residential units and over 50% of the Gross Floor Area is residential, or (ii) the parcel is less than 20,000 square feet and over 50% of the Gross Floor Area is devoted to non-residential uses. The Environment Department shall have discretion to remove a building from the covered building if there is evidence that it does not meet the definition of a Residential or Non-residential Building based on the split of residential and non-residential uses. The Environment Department does not have discretion to change or dispute data reported by Assessing.

Assessing Property Occupancy Codes / Land Use Codes for Multiple Property Uses

010 - Condo Multi-use	026 - Res/Comm Mixed Use
013 - Res/Commercial Use	027 - Res/Comm Mixed Use
019 - Res/Exempt Use	031 - Comm Multi-Use
025 - Res/Comm Mixed Use	