

BERDO Flexibility Measures II: Individual Compliance Schedules

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Agenda

Today's webinar



- Overview and requirements for Individual Compliance Schedules
- Application process
- Resources and reminders
- Q&A session (30 min)

The background of the slide is a dark blue wireframe map of a city, showing building footprints, streets, and parks in a light blue color. The map is viewed from an elevated perspective.

BERDO overview and requirements

Obligations under BERDO

Reminder



REPORTING

Annual reporting of total energy and water use from the previous calendar year



THIRD-PARTY VERIFICATION

Third-party verify reported data on their first year of reporting and every "Verification Year" thereafter.



EMISSIONS REDUCTIONS

Reduce annual emissions below a default emissions standard (emissions limit).



BERDO Emissions standards

Emissions standards set annual emissions limits based on different types of building uses

BUILDING USE	EMISSIONS STANDARD (kgCO ₂ e / sq. ft. / year)					
	2025-2029	2030-2034	2035-2039	2040-2044	2045-2049	2050-
Assembly	7.8	4.6	3.3	2.1	1.1	0
College / University	10.2	5.3	3.8	2.5	1.2	0
Education	3.9	2.4	1.8	1.2	0.6	0
Food Sales & Service	17.4	10.9	8.0	5.4	2.7	0
Healthcare	15.4	10.0	7.4	4.9	2.4	0
Lodging	5.8	3.7	2.7	1.8	0.9	0
Manufacturing / Industrial	23.9	15.3	10.9	6.7	3.2	0
Multifamily housing	4.1	2.4	1.8	1.1	0.6	0
Office	5.3	3.2	2.4	1.6	0.8	0
Retail	7.1	3.4	2.4	1.5	0.7	0
Services	7.5	4.5	3.3	2.2	1.1	0
Storage	5.4	2.8	1.8	1.0	0.4	0
Technology/Science	19.2	11.1	7.8	5.1	2.5	0



When will buildings need to meet an emissions standard?

First year with an emissions standard	Non-Residential buildings	Residential buildings
2025	35,000 sq. ft. or larger	35 or more units
2030	20,000 - 34,999 sq. ft.	15 - 34 units

Individual Compliance Schedules (ICS)

What are Individual Compliance Schedules (ICS)?

According to Ordinance and adopted regulations

- **Individual Compliance Schedules** are a flexibility mechanism that allows Owners to comply with BERDO using an alternative **absolute Emissions reduction schedule** based on a **baseline year**.
 - *Rather than meeting an emissions intensity limit (kgCO₂e / sq. ft. / year), Owners would meet an absolute emissions limit (kgCO₂e / year)*
 - *Rather than having emissions limits based on a building use, Owners would meet an emissions reduction schedule based on their own historical emissions in a baseline year.*
- Any Owner is able to apply for an ICS, provided that they are able to provide **third-party verified data** for the baseline year.
- ICS must be approved by the BERDO **Review Board**. The Review Board may set **conditions on the approval** of an ICS.
- Owners with Building Portfolios may apply for an ICS, but Hardship Compliance Plans cannot be combined with an ICS.



Obligations under BERDO for an individual building with ICS

Reporting and third-party verification requirements remain the same



REPORTING

Annual reporting of total energy and water use from the previous calendar year



THIRD-PARTY VERIFICATION

Third-party verify reported data on their first year of reporting and every "Verification Year" thereafter.



EMISSIONS REDUCTIONS

Reduce annual emissions according to the absolute emissions reduction schedule set by the ICS



Obligations under BERDO for a Building Portfolio with ICS

Reporting and third-party verification requirements remain the same as individual Buildings



REPORTING

FOR EACH BUILDING INDIVIDUALLY

Annual reporting of total energy and water use from the previous calendar year



THIRD-PARTY VERIFICATION

FOR EACH BUILDING INDIVIDUALLY

Third-party verify reported data on their first year of reporting and every "Verification Year" thereafter.



EMISSIONS REDUCTIONS

ONE ABSOLUTE EMISSIONS STANDARD ACROSS ALL BUILDINGS IN BUILDING PORTFOLIO

Reduce annual emissions according to the absolute emissions reduction schedule set by the ICS

Emissions reduction requirements for ICS

Any ICS must meet the following emissions reduction requirements:

- ❑ The emissions reduction schedule must be composed of **absolute emissions standards** (kgCO₂e / year) with **5-year increments** (i.e., 2025, 2030, 2035, 2040, 2045, 2050).
- ❑ The absolute emissions standards must decline on a **linear or better basis**.
- ❑ The emissions reduction schedule must achieve a **50% reduction in absolute emissions** from the baseline year **by 2030**.
- ❑ The emissions reduction schedule must achieve a **100% reduction in absolute emissions** from the baseline year **by 2050**.
- ❑ The baseline year must be between **2005** and **2021**.
- ❑ If the ICS is for a Building Portfolio, each Building may have different baseline years, but there will be only **one emissions standard for the whole Building Portfolio**.

Eligibility criteria for all ICS

- ❑ For an individual building or for each building in a Building Portfolio, the **Energy use, Gross Floor Area, Building Use(s), and Emissions Factors** data for the year selected as the baseline have been **third-party verified**. *
- ❑ For an individual building or for each building in a Building Portfolio, the **total Gross Floor Area has not been reduced from the baseline year by more than 10%** and the **largest primary Building Use remains the same**.
- ❑ All Buildings are currently **in compliance** with the Ordinance and Regulations.

* *Data is only required for the selected baseline year. Owners do not need to provide data for every year between the baseline year and today.*

** *Owners may still apply if you do not meet one or more of the eligibility criteria.*

Data sources for baseline year

- ❑ **Energy use:** *Historical utility data or utility bills, public reports meeting a third-party standard or accreditation (including internally produced sustainability reports), or any other records deemed acceptable by the Review Board.*
- ❑ **Gross Floor Area:** *Records of Boston Assessing Departments or calculate the historical Gross Floor Area according to existing guidance by the Environment Department.*
- ❑ **Emissions Factors**
 - **Electricity:** [ISO New England Historical Emissions Factors](#)
 - **District Energy Systems:** *historical Emissions Factor provided by operator or, if operator fails to provide, Emissions Factor ENERGY STAR Portfolio Manager.*
 - **Campus District Energy Systems:** *calculated historical Emissions Factor according to accepted methodologies or Emissions Factor from ENERGY STAR Portfolio Manager.*
 - *Owners may propose alternative Emissions Factors to the Review Board. The Review Board shall have the discretion to accept or deny alternative Emissions Factors.*

Application process

According to Ordinance and adopted regulations

- Applications must be submitted by **September 1** to use the ICS in the next year.
- Owners applying for a Building Portfolio and an ICS concurrently must complete the application form for Building Portfolios first (Pathway 3).
- The Review Board **may hold a hearing** to evaluate applications for **individual Buildings**.
- The Review Board **shall hold a hearing** to evaluate applications for **Building Portfolios**.

Standard conditions of approval

According to Ordinance and adopted regulations

The Review Board shall include the following **standard conditions on the approval** of any ICS:

- **Timely compliance with reporting and third-party verification requirements.**
- **Timely compliance with the requirements for ICS**

The Review Board may include **special conditions** for ICS that do not meet the eligibility criteria for ICS.

Modifications of approved ICS

According to Ordinance and adopted regulations

- **Approval** from the Review Board is required to make any modifications.
- Requests to modify an approved ICS must be submitted by **September 1** for the modification to be used in the next year.
- **Situations for which modifications are required include:**
 - ICS for individual Buildings if the Building's total Gross Floor Area is reduced by more than 10% or the largest primary Building Use changes.
 - ICS for Building Portfolios if the Building Portfolio's total Gross Floor Area is reduced by more than 10% or the three largest primary Building Use(s) across the Building Portfolio change.
 - Changes to an approved alternative CO₂e Emissions standard reduction schedule because of the addition of a Building to a Building Portfolio or Institutional Master Plan that has an ICS.

Termination of ICS

According to Ordinance and adopted regulations

- Beginning in 2024, an Owner may terminate an approved ICS with notice to the Review Board by **September 1** for the termination to be effective in the next year.
- An ICS for a Building Portfolio shall be automatically terminated if the associated Building Portfolio is terminated.
- **The Review Board may initiate a proceeding to revoke an approved ICS** if the Review Board determines that an Owner does not materially comply with the requirements or the conditions of an ICS.
- If an Owner demonstrates that material noncompliance was due to unique circumstances beyond the Owner's control, the Review Board may, at its discretion, amend an approved ICS rather than terminate it.

The background of the slide is a dark blue wireframe map of a city, showing the outlines of buildings, streets, and parks. The map is viewed from an elevated perspective, looking down at the city's layout.

Application process

Application forms



- [BERDO Flexibility Application website](#) is now online. This website contains online forms for Building Portfolios and Individual Compliance Schedules.
- An application packet is required for Hardship Compliance Plans. The packet includes [the application form](#) in addition to supplemental documents.
- Plan to migrate to BERDO Reporting Form Portal (Touchstone IQ), current BERDO reporting platform.

Applications for individual buildings

To apply for an ICS for an **individual Building**, Owners will need to provide:

- ❑ A baseline year for their building's emissions.
- ❑ An alternative CO2e Emissions standard reduction schedule that reduces total emissions by 50% by 2030 and 100% by 2050, on a linear or better basis.
- ❑ A brief narrative description of (a) any significant emissions reduction efforts completed in the Building from the baseline year to date and (b) any cumulative increase of Gross Floor Area of 10% or more from the baseline year to date that did not significantly increase Energy use or Emissions.
- ❑ A brief narrative description of expected methods to meet the alternative CO2e Emissions standard reduction schedule. This may include, but need not be limited to, any anticipated buildings audits, retrofits, capital improvements, or any other emissions reduction efforts that may be implemented in the Building in the near term.
- ❑ If relevant, an explanation for any inability to meet the eligibility criteria.

Applications for Building Portfolios

To apply for an ICS for a **Building Portfolio**, Owners will need to provide:

- ❑ A baseline year for each building's emissions.
- ❑ An alternative CO2e Emissions standard reduction schedule that reduces total emissions by 50% by 2030 and 100% by 2050 on a linear or better basis. **Third-party verification is required for Building Portfolios with multiple baseline years.**
- ❑ A brief narrative description of (a) any significant emissions reduction efforts completed in the Building Portfolio from the baseline year(s) to date and (b) any cumulative increase of Gross Floor Area of 10% or more from a building's baseline year to date that did not significantly increase Energy use or Emissions.
- ❑ For Building Portfolios that are required to complete an Emissions standard compliance plan, a copy of such plan. If the plan is not completed at the time of application, submission upon completion shall be a required condition of the ICS.
- ❑ For Building Portfolios that are not required to complete an Emissions standard compliance plan, a brief narrative description of expected methods to meet the alternative CO2e Emissions standard reduction schedule. This may include, but need not be limited to, any anticipated buildings audits, retrofits, capital improvements, or any other emissions reduction efforts that may be implemented in the Building in the near term.
- ❑ If relevant, an explanation for any inability to meet the eligibility criteria.

Step 1: Before starting your application

Applicants must check whether they meet the eligibility criteria to apply:

- *Have baseline year data third-party verified*
- *Total GFA has not been reduced by more than 10% from baseline year(s) and primary Building use(s) must be the same*
- *Building(s) must currently be in compliance with BERDO*

STEP 1: Before Starting Your Application

1) Determine if your Building or Building Portfolio meets the following eligibility criteria for an Individual Compliance Schedule:

- The following data has been third-party verified for the baseline year. If your application is based on a Building Portfolio, these requirements apply to all Buildings in the Building Portfolio.
 - Energy Use;
 - Gross Floor Area (GFA);
 - Building Use(s); and
 - Emissions Factors
- Total Gross Floor Area has not been reduced by more than 10% percent and primary Building Use(s) have not changed.
 - For a single Building, the total Gross Floor Area has not been reduced from baseline year by more than 10% and the largest primary Building Use remains the same;
 - For a Building Portfolio, the total Gross Floor Area for each Building has not been reduced from their baseline year by more than 10% and the largest primary Building Use for each Building remains the same.
- The Building(s) are currently in compliance with BERDO. This includes:
 - Annual reporting;
 - Third-party verification during the last Verification Year;
 - If applicable, conditions of an approved Building Portfolio;
 - The payment of fines for any failure to report, to report accurate data, or meet an Emissions standard; and
 - Submission of relevant compliance mechanisms in the amount required to correct any failure to meet an Emissions standard in the past. This applies to all buildings in a Building Portfolio.

Step 2: Select application type

- ❑ Individual Compliance Schedule for an **Individual Building**
- ❑ Individual Compliance Schedule for a **Building Portfolio**

- Note: Owners applying for a Building Portfolio and an ICS concurrently must complete the application for Building Portfolios (Pathway 3) first before completing the ICS application.

Step 3: Complete application form

APPLICATION OUTLINE:

1. Owner's contact information
2. Building information and selection of baseline year(s)
3. Establishing baseline data and alternative reduction schedule
 - *Baseline Energy Use(s)*
 - *Baseline Emissions Factors*
 - *Baseline Gross Floor Area*
4. Additional narrative information
5. Signature and submit

1. Owner's contact information

OWNER'S INFORMATION

1. Name of Owner

2. Contact for Owner:

a. Email

b. Phone number

c. Mailing address



2. Building information and selection of baseline year(s)

BUILDING INFORMATION AND BASELINE YEAR

- 1. An Individual Compliance Schedule is based on data from a baseline year between 2005 and 2021. Please confirm the following:
 - Your baseline year is not before the year 2005 or after the year 2021.
- 2. Please fill out the table below with the following information of the building you are applying an Individual Compliance Schedule for. [See Table 1](#) of the Ordinance for a list of Primary uses.

BERDO ID	Address	Baseline Year	Baseline Year: GFA (sq. ft.)	Baseline Year: Primary Building Use	Verification Year: GFA (sq. ft.)	Verification Year: Primary Building Use

3. Establishing baseline data and alternative reduction schedule



3.1. Baseline Energy use

ESTABLISHING BASELINE DATA AND ALTERNATIVE REDUCTION SCHEDULE

1. You must establish your **baseline Energy use**. Please indicate which of the following methods you are using and provide the corresponding data source to establish your baseline Energy use:

- Historical utility data or utility bills. Please provide supporting documentation;
- Public reports meeting a third-party standard or accreditation, including internally produced sustainability reports. Please provide supporting documentation; or
- Other. Please describe this data source and provide supporting documentation.

3. Establishing baseline data and alternative reduction schedule

3.2. Baseline Emissions Factor

2. You must establish your **baseline Emissions Factors**. Please confirm which of the following methods you are using to establish Emissions Factors.

Electric Grid

- Historical Emissions Factors published by ISO New England. When available, using Emissions Factors including net imports. [Use this table](#).

District Energy System (if applicable)

- Operator provided historical Emissions Factors that have been verified by a third-party; or
- Corresponding Emission Factors reported by [ENERGY STAR Portfolio Manager](#) (Figure 3).

Campus District Energy System (if applicable)

- Owner calculated historical Emissions Factors by one of the following methods. Please provide an explanation of how this was calculated:
- Following the Emissions Factors requirements for District Energy Systems as outlined in [Section VIII.a.iii](#) of the Regulations;
 - Applying the appropriate Emissions Factors to their central plant's fuel inputs and apportion the emissions across their connected buildings following [Section VI.a](#) of the Regulations; or
 - Relevant Emissions Factors reported by [ENERGY STAR Portfolio Manager](#) (Figure 3).

Explanation here

Other

- Please describe your method and reasoning for your proposing an Alternative Emissions Factors.

Description here

3.1 Historical Emissions Factors for the electric grid

HISTORICAL EMISSIONS FACTORS FOR THE ELECTRIC GRID

Owners applying for an Individual Compliance Schedule must use the following historical grid Emissions Factors to calculate the Emissions for a Building or Building Portfolio's baseline year(s).

Electric Grid CO₂ Emissions Factors*

Year	lb/MWh	kg/MWh	kg/MMBTU
2005	919	417	122
2006	808	367	107
2007	905	411	120
2008	890	404	118
2009	828	376	110
2010	829	376	110
2011	708	321	94
2012	645	293	86
2013	643	292	85
2014	643	292	85
2015	657	298	87
2016	630	286	84
2017	592	269	79
2018	577	262	77
2019	547	248	73
2020	561	254	75
2021	574	260	76

3. Establishing baseline data and alternative reduction schedule

3.3. Baseline Gross Floor Area

3.4. Alternative reduction schedule

3. You must confirm your baseline **Gross Floor Area**. Please confirm which of the following data sources you are using for your baseline Gross Floor Area.

Boston Assessing Department's records; or

Calculated historical Gross Floor Area pursuant to [Section IV.b.](#) and [existing guidance by the Environment Department.](#)

4. Provide your alternative CO₂e Emissions standard reduction schedule that includes baseline Energy use, baseline Emission Factors, and baseline Gross Floor Area. [You may use this template.](#)

Confirm that total emissions are reduced by 50% by 2030 and by 100% by 2050.

ICS Emissions reduction schedule template



MAKE A COPY OR DOWNLOAD - ONLY CELLS IN WHITE CAN BE EDITED

Instructions:

- Input information for each Building in your Building Portfolio into one row in the table below.
- You must use the Gross Floor Area (GFA) data that has been reported and third-party verified under BERDO.
- Only cells in white can be edited. Examples of Buildings under each Building Use category can be found on Appendix A of the BERDO regulations.
- Example data is included in the first three rows to demonstrate the use of the spreadsheet. Please delete these inputs and replace with your Building Portfolio's data.
- If any of the Buildings in the Building Portfolio is ineligible, then your Building Portfolio is not eligible for an Individual Compliance Schedule

Note: If any of the Buildings in your Building Portfolio is ineligible according to the criteria below, then your Building Portfolio is ineligible for an Individual Compliance Schedule

BERDO ID	Baseline Year	Total Emissions in Baseline Year [mtCO2e]	GFA in Baseline Year [sq. ft.]	Largest primary Building Use in Baseline Year	Most recent Verification Year	Largest primary Building Use in Verification Year	GFA in Verification Year [sq. ft.]	Is there no change or a ≤ 10% reduction in the Building's GFA?	Is there no change in the Building's largest primary Building Use?
111111	2005	750	100,000	Multifamily Housing	2021	Multifamily Housing	110,000	PASS	PASS
222222	2012	2,000	300,000	Office	2021	Office	300,000	PASS	PASS
333333	2018	450	50,000	Assembly	2021	Assembly	45,000	PASS	PASS
444444	2007	3,000	25,000	Retail	2021	Retail	22,000	INELIGIBLE	PASS
BERDO ID			0				0		
BERDO ID			0				0		

Building Portfolio Aggregate Data				Calculated absolute Emissions limit (mtCO2e/yr)						
BERDO ID	Baseline Year	Baseline Year Total Emissions [mtCO2e]		2025 - 2029	2030 - 2034	2035 - 2039	2040 - 2044	2045 - 2049	2050	
Absolute Emissions limit for the Building Portfolio (mtCO2e/yr)			6,200.00	3,872.61	3,100.00	2,325.00	1,550.00	775.00	0.00	
111111	2005	750.00		450.00	375.00	281.25	187.50	93.75	0.00	
222222	2012	2,000.00		1,277.78	1,000.00	750.00	500.00	250.00	0.00	
333333	2018	450.00		318.75	225.00	168.75	112.50	56.25	0.00	
444444	2007	3,000.00		1,826.09	1,500.00	1,125.00	750.00	375.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	
BERDO ID				0.00	0.00	0.00	0.00	0.00	0.00	

4. Additional narrative information

ADDITIONAL INFORMATION

1. Please provide a brief narrative description of significant emissions reduction efforts completed in the Building from the baseline year to date.

Response here

2. If applicable, please describe new construction since the baseline year and its impact on emissions.

Response here

3. Please provide a brief narrative description of expected methods to meet the alternative CO₂e Emissions standard reduction schedule. This may include, but need not be limited to, any anticipated buildings audits, retrofits, capital improvements, or any other emissions reduction efforts that may be implemented in the Building in the near term.

Response here

4. If relevant, an explanation for any inability to meet eligibility criteria (page 3).

Response here

5. Signature and submit

SIGNATURE

The Owner of the proposed Building Portfolio must sign the application and attest to the following:

I hereby certify under penalties of perjury that all information and supporting data provided in this application is true and complete to the best of my knowledge.

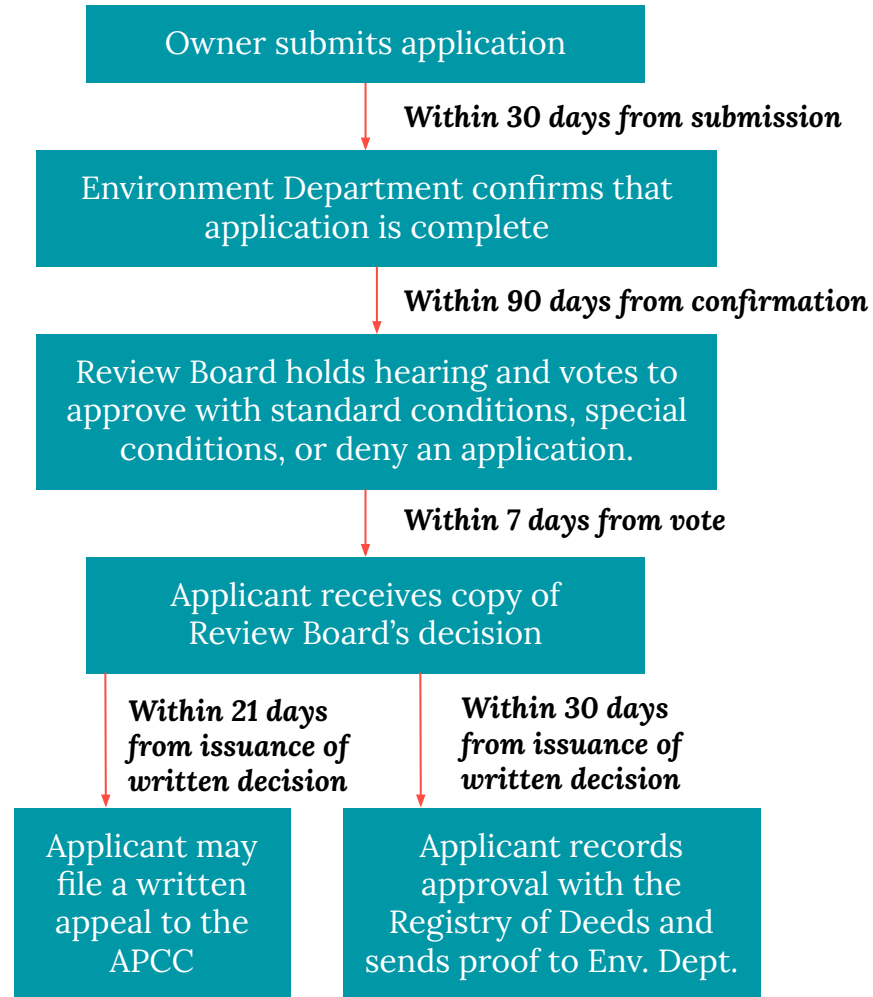
Signature of Building Owner

Date

If you are submitting this application on behalf of a Building Owner, please check the box below and provide your contact information.

- I am submitting this application on behalf of the Building Owner and questions should be directed to me.

Application timeline



The BERDO team is here to help!



If you have questions about completing your application, please reach out to BerdoReviewBoard@boston.gov.

The background of the slide is a dark blue wireframe illustration of a city, showing various building shapes and street layouts from an aerial perspective. A semi-transparent dark blue horizontal band runs across the middle of the image, serving as a backdrop for the main text.

Reminders and resources

Reminder: application deadlines for flexibility measures

Building Portfolios, Individual Compliance Schedules, and Hardship Compliance Plans



Deadlines for Flexibility Measure Applications

July 1, 2024*	Long-term Hardship Compliance Plan application deadline.
September 1	Building Portfolio application deadline (to be in effect the following year).
	Individual Compliance Schedule application deadline (to be in effect the following year).
October 1**	Short-term Hardship Compliance Plan application deadline.
<p>*After July 1, 2024, long-term Hardship Compliance Plan applications are due 9 months before the first year the HCP would be used.</p> <p>**Short-term Hardship Compliance Plan applications are due 3 months before the first year the HCP would be used.</p>	

Reminder: BERDO reporting deadline

- **May 15, 2024:** Deadline to complete reporting of 2023 data.
- Building owners may begin entering energy and water data into **Energy Star Portfolio Manager** as soon as complete 2023 data is available.
- The BERDO team is currently updating the 2024 BERDO Reporting Form and will be open in February 2024.

Sign up for the BERDO webinar series

Registration is required



- [BERDO Flexibility Measures III: Hardship Compliance Plans](#)
Wednesday, Feb 14, 3:00 - 4:30 pm. Register [here](#).
- [BERDO Emissions Compliance: Renewable Energy](#)
Wednesday, Feb 28, 2024 3:00 - 4:30 pm ET. Register [here](#).



Slides and recording of this and past webinars will be available on boston.gov/berdo.

Take advantage of new resources

- [Understand your emissions with the new BERDO Emissions Calculator](#)

- [Apply to receive free assistance to complete BERDO reporting and third-party verification](#)

We are offering free data reporting and verification services to BERDO building owners who need extra assistance to complete their BERDO reporting. Funding is limited and will only be provided to building owners who are self-managed residential buildings, small non-profit owners, or commercial buildings with small business tenants. - **DEADLINE EXTENDED TO FRIDAY, FEBRUARY 9**

- [Schedule a one-on-one BERDO Building Consultation](#)

A member of the BERDO team will help you understand your current emissions and compliance options.

- [Register for weekly BERDO Emissions Planning Office Hours](#)

Office hours are held weekly on Fridays at 10:00 am on Zoom.

Members of the BERDO team will be available to answer questions about BERDO emissions estimates and potential compliance strategies. Catch up with or rewatch past BERDO webinars

Other resources

- BERDO website: boston.gov/berdo
- [Ordinance](#)
- [Adopted Regulations](#)
- [Adopted Policies](#)
- Review Board website: boston.gov/berdo-review-board
- Retrofit Resource Hub website: boston.gov/retrofithub
- No-cost Mass Save energy audits, engineering studies, rebates and incentives:
 - Non-residential: MassSave.com/business
 - Residential: MassSave.com/Multi-Family
 - Rebates: MassSave.com/Rebates

Q&A



Thank You!

Please visit boston.gov/berdo and boston.gov/berdo-review-board for more information and updates.

