



MEMORANDUM

DATE: January 21, 2025
TO: Adam Politzer, Interim City Manager
FROM: Mohamed Alaoui, Public Works Director
SUBJECT: **Study Session - Little Libraries Program**

RECOMMENDATION

Staff recommends that the City Council provide input and guidance on a Little Libraries program for the City of Emeryville.

BACKGROUND

The Emeryville Municipal Code 7-2.02 states that permits are required for any improvements in the public right-of-way with the exception of projects undertaken by the City of Emeryville. Currently there is no formal process, permit, or program in Emeryville for the installation of small book boxes or “Little Libraries” in the public right-of-way although there are at least seven Little Free Libraries in Emeryville according to the Little Free Library organization.¹ One of Emeryville’s Little Libraries is in the public right-of-way and the remainder are on private property. The Emeryville community has already demonstrated an interest in Little Libraries, but the City has not required a permit for Little Libraries installed in the public right-of-way.

Bay Area cities have taken a few different approaches to Little Libraries in their communities. San Francisco recently developed a robust program called “Love Our Neighborhoods,” which updated the city’s municipal code to create a category of projects undertaken by constituents in the public right-of-way. These projects range in size and scope and include sidewalk libraries. In the ordinance, “sidewalk libraries” are defined as an “enclosed bookshelf that complies with the dimensional requirements set forth in the Department’s regulations, is mounted on a post placed in the sidewalk, and is used for the noncommercial purpose of displaying and sharing books with the public.” Projects under the ordinance are regulated as minor encroachments which the Director of Public Works can approve and impose conditions.

In the East Bay, smaller cities have taken a more relaxed approach to Little Libraries. The City of El Cerrito does not have a policy as most Little Libraries are installed without a permit and the City does not take any code enforcement action. In the City of Albany, any permanent encroachments in the public right-of-way require a permit, but City staff recommend that Little Libraries be installed on private property near the front of the property line so that a permit is not required.

¹ Little Free Libraries is a nonprofit organization based in St. Paul, Minnesota whose mission is to be a catalyst for building community, inspiring readers, and expanding book access for all through a global network of volunteer-led Little Free Library book-exchange boxes.

DISCUSSION

Staff have identified two paths forward to permit Little Libraries to be installed in the public right-of-way in Emeryville. This program would not apply to Little Libraries installed on private property.

The first option would be to update the Municipal Code to formally allow Little Libraries to be installed in the public right-of-way via a permit-based program. This would require the Council to adopt an ordinance establishing a permit program that would include a definition of what is permitted to be installed in the public right-of-way as a little library. The permit program would require staff time to propose and integrate municipal code changes, as well as staff time to develop a permit, and make additional changes over time to incorporate other public-realm projects if necessary. This option could also require an applicant to pay a fee similar to the fee required for an encroachment permit, or the City Council could waive such a fee.

The second option would be for the City Council to establish a city-sponsored program by resolution that does not require any changes to the Municipal Code and would not require a permit. Applicants would submit an application to the City and if the proposed Little Library complies with the applicable City requirements, the Director of Public Works and/or Code Enforcement Officer or other assigned designee can approve and impose any necessary additional conditions. Pursuant to EMC section 7-2.02, City projects in the public right-of-way are not subject to the encroachment permit process and the Council has the authority to make Little Libraries a City program under its police power. After the Council provides direction on the parameters of such a program, staff would implement the program based on the established guidelines.

Staff propose the following program requirements for Little Libraries installed in the public right-of-way regardless of whether Option 1 or Option 2 is selected:

- Approval of the adjacent property owner and two neighboring property owners.
- Location for Library will:
 - Not obstruct or block the free flow of vehicles, bicycle or pedestrian traffic or movement, and
 - Not obstruct access aisles or paths utilized by persons in wheelchairs or for ADA accessibility.
- Library Structure should be:
 - Sized and arranged such that no person or child can enter, and
 - No larger than 18 inches x 17 inches x 27 inches, and
 - Anchored with a stand or post directly into the ground and not attached to other objects in the public right-of-way.

Staff propose that the enforcement of program requirements would be complaint-based. Upon request, the Little Library sponsor would need to show proof of approval of the adjacent and two neighboring property owners. If the Little Library impedes the flow of pedestrian, bicyclist or driver movement, the sponsor may receive a notice of removal. In addition, maintenance of the library structure and content of the library would be the

responsibility of the sponsor. Council could also delegate authority to the City Manager to adjust the program as needed.

FISCAL IMPACT

The fiscal impact of either Option 1 or Option 2 will be the staff time required to develop and administer the program. For Option 1, staff anticipate 10 hours of staff time to propose and integrate municipal code changes approved by City Council, including a definition of Little Libraries, and develop a new permit. Ongoing staff time required would be approximately two hours per permit, and possible additional time if changes to the municipal code are necessary over time.

For Option 2, staff anticipate five hours of staff time to develop a City program, and one hour of ongoing staff time to process each application and provide enforcement if needed.

STAFF COMMUNICATION WITH THE PUBLIC

None.

CONFLICT OF INTEREST

None.

CONCLUSION

Staff recommend that the City Council provide input and guidance on a proposed Little Libraries program. After direction is provided by the City Council, staff will implement the Council's program recommendation and will return to Council to either adopt Municipal Code changes for a permit-based program under Option1 or a city-sponsored program by resolution under Option 2.

PREPARED BY: Josie Ahrens, Management Analyst

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Adam Politzer, Interim City Manager