



2025 Fall Conference at Ashore Resort & Beach Club
Ocean City, Maryland

**Why is America Underhoused and Overparked and
What to do about it**

David S. Thaler, PE, LS, DFE, D.WRE, EWRI, FRGS, F.ASCE, F.NSPE

September 18, 2025

COL. (MD ret.) David S. Thaler PE, LS, DFE, D.WRE, EWRI, FRGS, F.ASCE, F.NSPE

Is the Managing Principal of D.S. Thaler & Assoc., LLC; a civil and environmental engineering firm that he founded in 1978. In 2019 he won the award as the top Professional Engineer in the United States given by the National Society of Professional Engineers.

Thaler is a Fellow of the National Society of Professional Engineers, the American Society of Civil Engineers and the Royal Geographical Society. He is a Board Certified Diplomate of both the National Academy of Forensic Engineering and the American Academy of Water Resources Engineering. He has been honored numerous times by many organizations, has received several Lifetime Achievement awards, and holds Maryland's highest military honor, the Distinguished Service Cross.

Thaler is involved with projects of extraordinary complexity and his firm has designed more than 4,000 residential, commercial, industrial and institutional land development assignments throughout the Mid-Atlantic region. The firm has extensive experience with large, difficult, and environmentally complex projects and has created many innovative designs. For instance, Thaler invented "Super Silt Fence," a technique that is now an international standard.

Extremely active in professional affairs, Thaler has served on the Board of Directors of the Maryland Society of Professional Engineers for over 30 years, including as President. He represented the professional engineering community in legislation on numerous matters before the General Assembly of Maryland and on regulatory issues before the Maryland Board for Professional Engineers and the Maryland Department of Labor. He was the founding president of the Land Development Council of Maryland, Chair of the Baltimore County Chamber of Commerce and is an active member of numerous professional and technical societies. He has been a member of what is now the Maryland Building Industry Association (MBIA) since 1975 and is a Life Director. In 2023 he was appointed by the Governor to the Maryland Board of Examiners of Landscape Architects.

Thaler has been a highly visible and vocal advocate for well-engineered and designed communities and has been a tireless voice of the engineering profession. He has published more than 250 articles and five books on a wide variety of subjects, and has lectured at more than a dozen colleges and universities. Among others, he has taught at Lehigh University, the University of Maryland School of Architecture, The Johns Hopkins University, and the University of Baltimore School of Law where he was Visiting Scholar.

Internationally, Thaler participated in the Rule of Law Project in 2000 in St. Petersburg, Russia where after Glasnost he lectured on documenting and transferring real property at the Northwest Cadastral Land Institute in the Leningrad Oblast.

He also identified the original instrument used by Charles Mason and Jeremiah Dixon in their iconic survey of 1762-1767, proved its provenance, raised the funds for its restoration and organized an event where he ceremonially presented the restored instrument to the National Park Service as a "Gift to the Nation" from the engineers and surveyors of America.

Thaler is also an accomplished bagpiper and for many years served as the Pipe Major of the Baltimore Police Department Ceremonial Unit where he performed at civic events and the funerals of many police, firefighters, and servicemembers killed in action including at Arlington National Cemetery.





PIPE MAJOR DAVID S. THALER, COLONEL (MD. RET.)





Homelessness in San Francisco







America is between 1.5 and 6.5 million housing units short.

Maryland is just under 100,000 units short.



Homelessness in Baltimore

Causes of Homelessness

- Unemployment
- Poverty
- Substance abuse
- Lack of job skills
- Mental illness

Lack of housing that low income people can afford

Some causes of lack of affordable housing

-
- overly restrictive zoning and growth management control;
 - rent control;
 - cumbersome building and rehabilitation codes;
 - unreasonable maximum density limitations;
 - historic preservation requirements;
 - overly burdensome wetland and environmental regulations;
 - outdated manufactured housing regulations,
 - excessive parking requirements;
 - cumbersome and time consuming permitting and review procedures;
 - overly complex labor requirements; and
 - inordinate development impact fees.

To incentivize the production of more entry level housing:



Reform exclusionary zoning rules



Lower impact fees and other upfront taxes



Expedite approvals



Ease density and growth restrictions



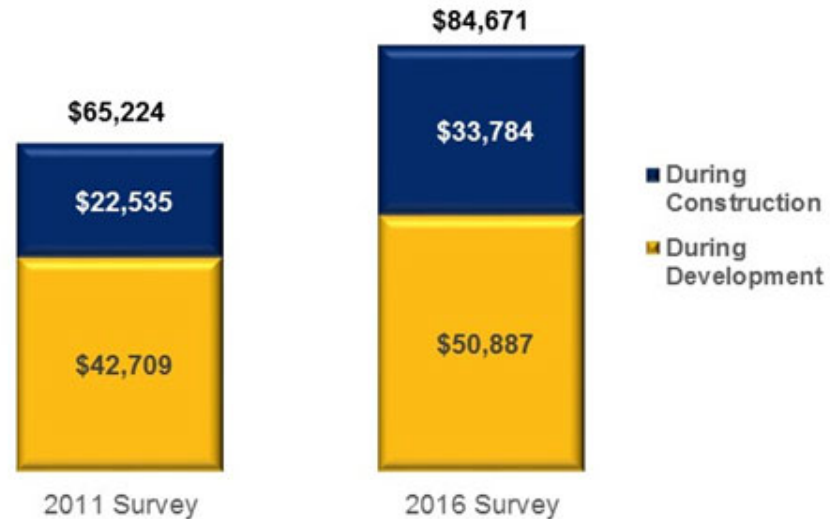
Allow a range of housing types, especially smaller ones

Figure 1. Regulatory Costs as a Share of Home Price



* For quartiles, construction and development costs do not sum to the total.
 Source: NAHB/Wells Fargo HMI survey, assumptions described in the Appendix.

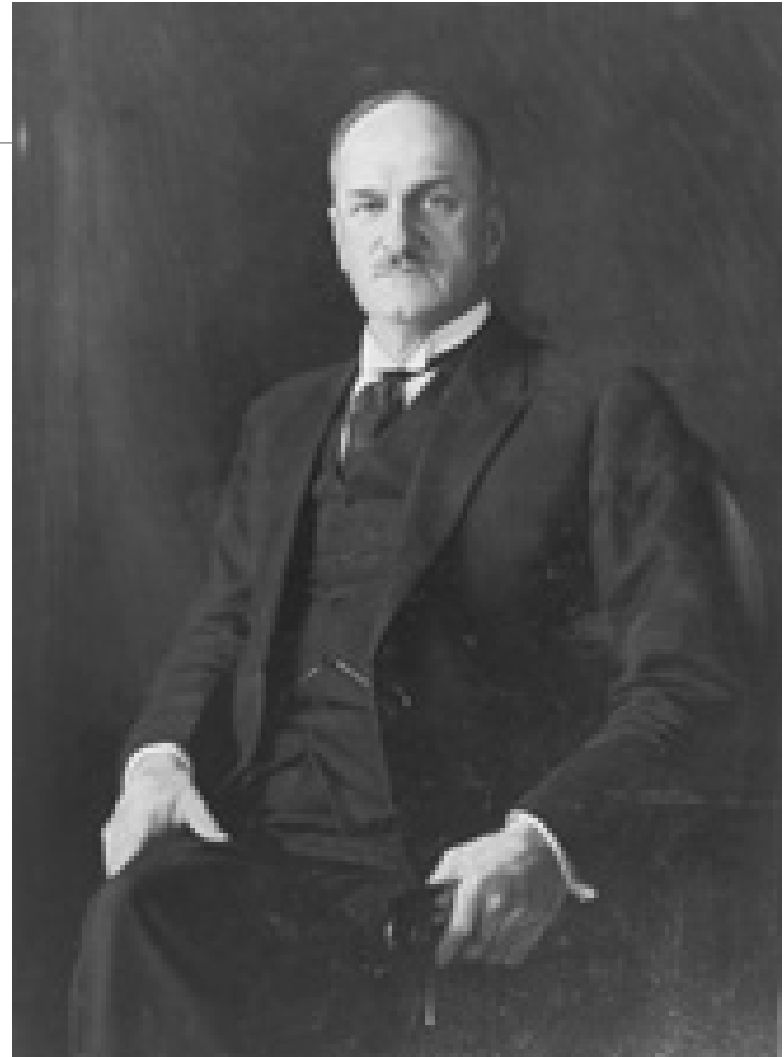
Figure 2. Average Cost of Regulation in the Price of a New Home



Based on average new home price one month before the NAHB/Wells Fargo HMI surveys
 Source for average new home prices: New Residential Sales, U.S. Census Bureau.

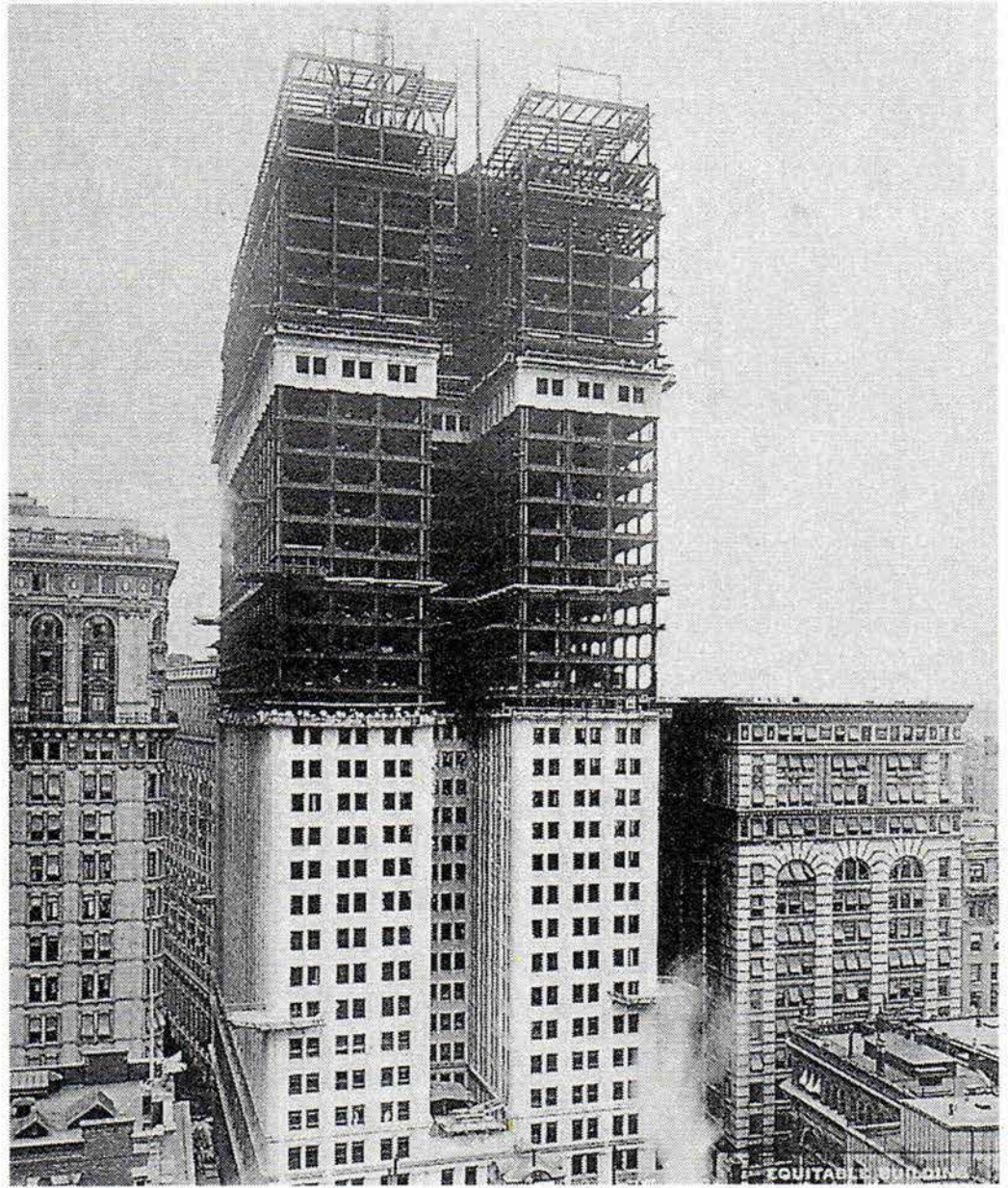


Thomas Coleman DuPont



THE EQUITABLE BUILDING

120 Broadway, N.Y.



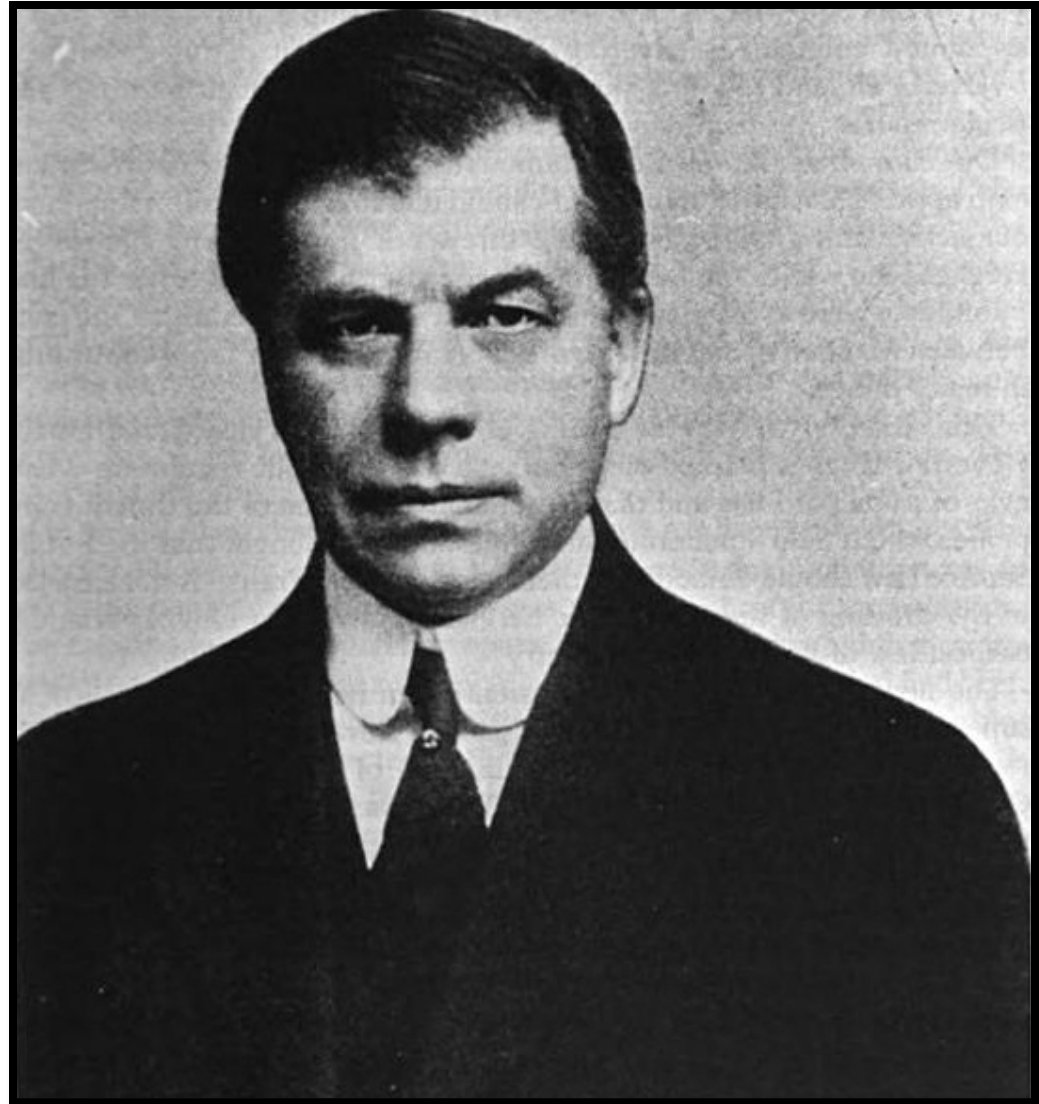


THE EQUITABLE BUILDING

120 BROADWAY

Edward M. Bassett

Father of American Zoning



Preamble to the 1916 New York City Zoning Ordinance:

to lessen congestion in the streets;

to secure safety from fire, panic, and other dangers;

to promote health and the general welfare;

to provide adequate light and air;

to prevent the overcrowding of land;

to avoid undo concentration of population;

to facilitate adequate provision of transportation, water, sewage, schools, parks, and other public requirements....

The New York City Skyline - 1931



DEPARTMENT OF COMMERCE
HERBERT HOOPER, SECRETARY

**A STANDARD
STATE ZONING ENABLING ACT
UNDER WHICH MUNICIPALITIES MAY ADOPT ZONING
REGULATIONS**

BY THE
ADVISORY COMMITTEE ON ZONING

APPOINTED BY SECRETARY HOOPER

- | | |
|---|--|
| CHARLES B. HALL | Secretary-Treasurer, City Planning Division,
American Society of Civil Engineers. |
| EDWARD M. BURNETT | Council, zoning Commission of New York,
New York. |
| ALFRED BEITMAN | Director, National Conference on City Planning,
New York. |
| EDWIN S. BRITTY | Ex-President, National Association of Real Estate
Brokers. |
| JOHN DELANEY | Manager, City Development Department of the
City of New York. |
| WALTER S. KROFFER | From the Chapter of Commissioners of the United
States, Chairman, City Planning Division,
American Society of Civil Engineers. |
| MELVIN P. LEWIS* | From the National Conference on City Planning
and Planning Educational League, Past President
and Chairman, City Planning Institute. |
| J. HERSCHEL MURPHY | Ex-President, The American Civic Association,
New York. |
| FREDERICK LAW OLMSTEAD | Ex-President, The American Society of Land
scape Architects, Ex-President, American
City Planning Institute. |
| LAWRENCE VERLAIN | Secretary and Director, The National Housing
Association. |
- * Deceased.

JOHN M. GREEN
Chief, Division of Building and Planning, Bureau of Standards,
Department of Commerce

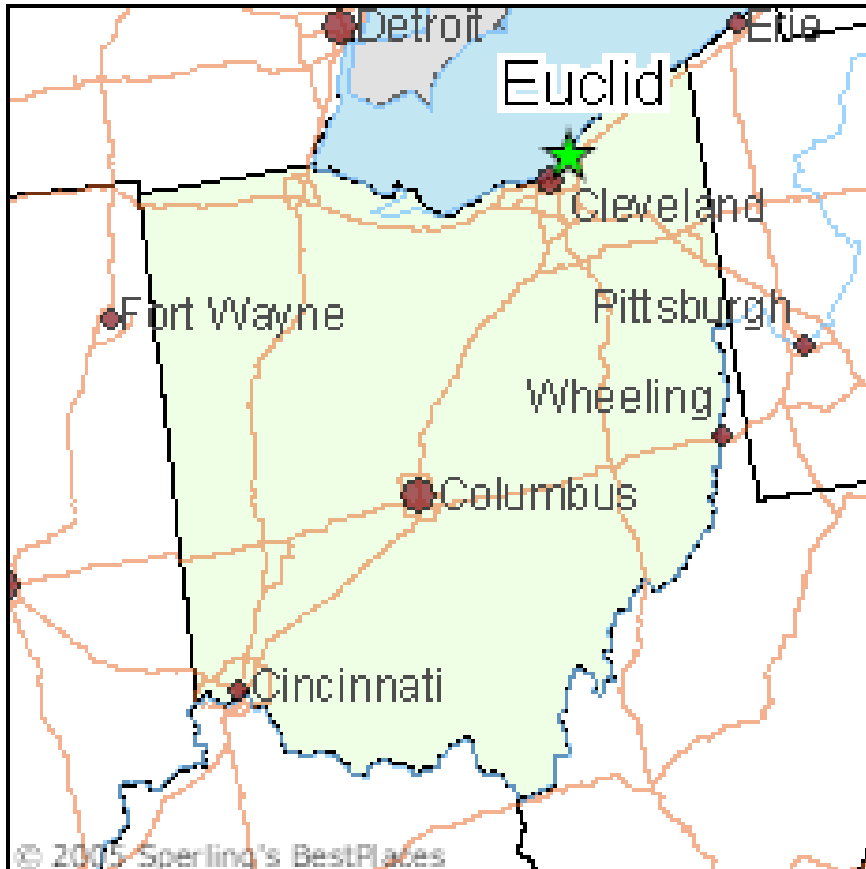


(Revised Edition, 1933)

PRICE 5 CENTS
SOLD ONLY BY THE GOVERNMENT OF DOCUMENTS
GOVERNMENT PRINTING OFFICE, WASHINGTON, D. C.

WASHINGTON
GOVERNMENT PRINTING OFFICE
1933

Ohio



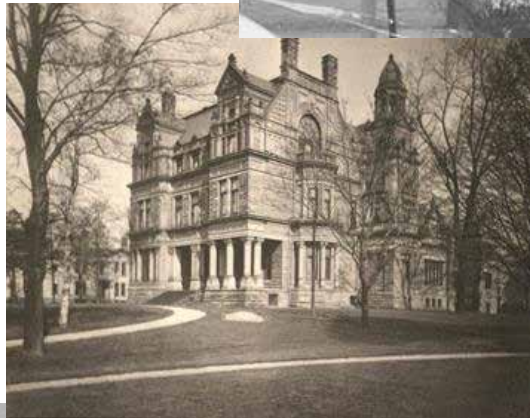
Village of Euclid Ohio



Euclid Avenue,
Cleveland



Euclid Avenue,
Cleveland

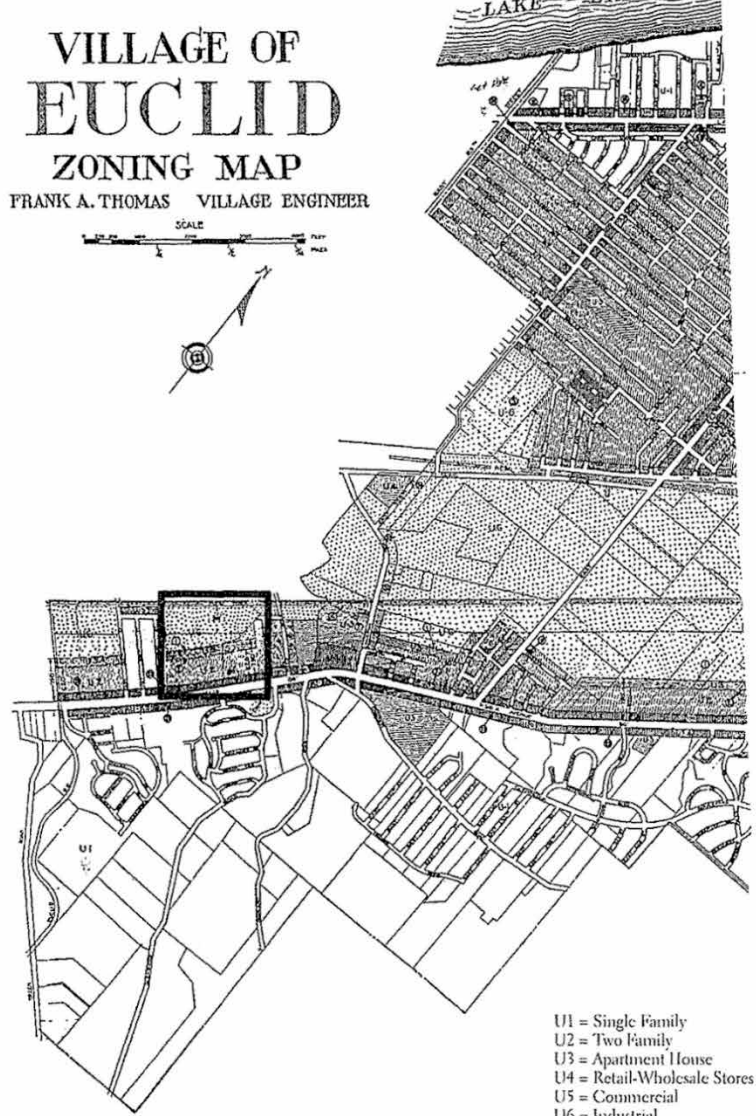


Millionaires' Row



VILLAGE OF EUCLID ZONING MAP

FRANK A. THOMAS VILLAGE ENGINEER

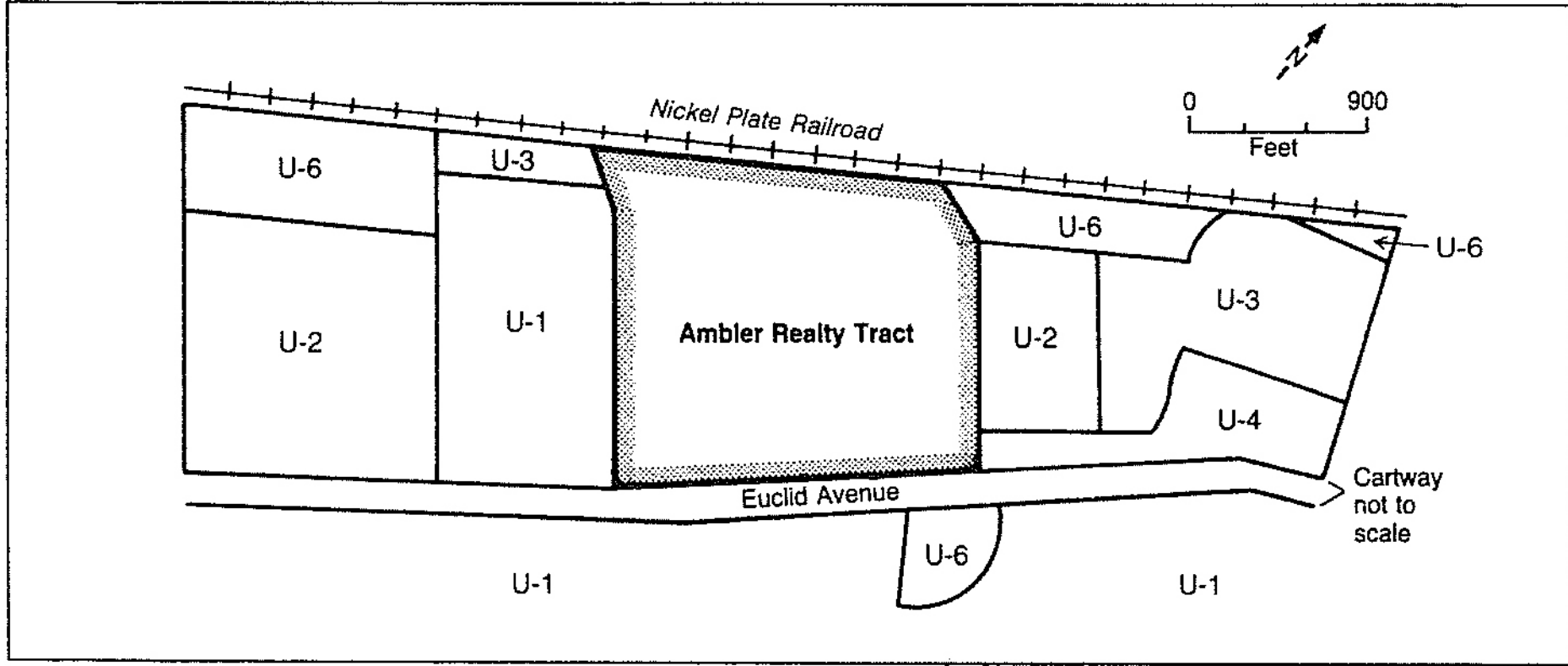


- U1 = Single Family
- U2 = Two Family
- U3 = Apartment House
- U4 = Retail-Wholesale Stores
- U5 = Commercial
- U6 = Industrial

Note: The rectangle indicates the approximate location of the Amber Realty Tract shown in Figure 3-1.
Source: Florence Humphrey, Euclid Historical Society.

FIGURE 3-2
A Portion of Euclid's Zoning Map, 1922





Source: Timothy Alan Fluck, *Euclid v. Ambler: A Retrospective*, 52 J. Am. Plan Ass'n. 326, Map 2 (1986).

FIGURE 3-1
Zoning of Properties Near the Ambler Realty Tract



The Ambler Realty Site today

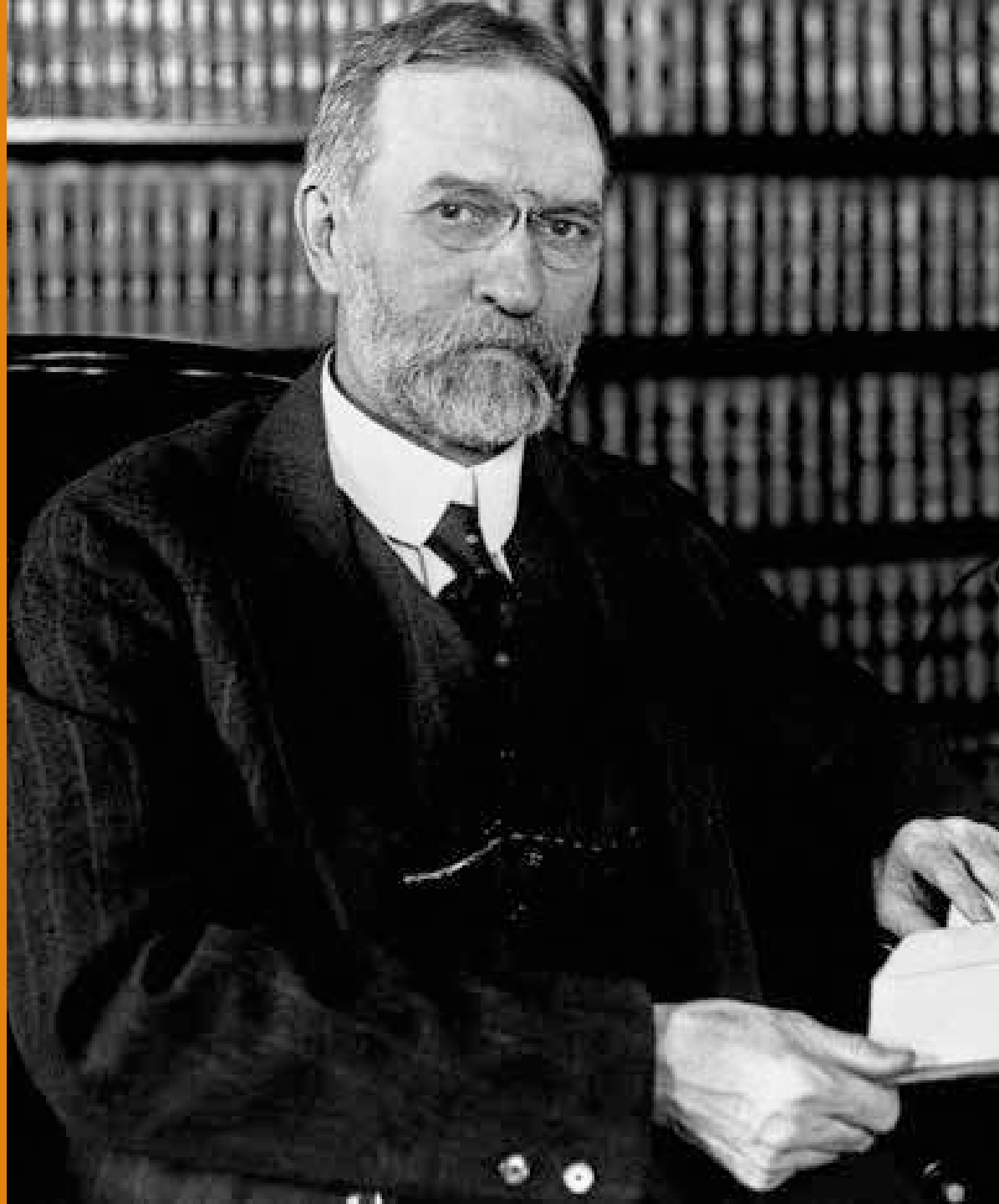


-
- .. No person shall ... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

n

Fifth Amendment US Constitution

Justice
George
Sutherland





“A nuisance may be merely a right thing in the wrong place , like a pig in the parlor instead of the barnyard”

Justice George Sutherland
Village of Euclid v. Ambler Realty Co.

Basic Elements of Euclidean Zoning

- The classification, or segregation, of land use types, i.e. single-family residential; multi-family residential; commercial; industrial, etc
- Use is the organizing principal. Uses are either specifically permitted or prohibited
- Density/intensity is controlled
- There are “bulk” regulations: minimum area, setbacks and maximum height and coverage
- Special Exceptions/Conditional Uses
- Variances





Old Town Alexandria
Annapolis
Leesburg





Main Street Disneyland

A zoning inspector's field day of violations

What's Wrong With This Picture?

The town below seems like a pleasant place to live. What follows are regulatory obstacles that the building of such a town today might encounter—a compilation from communities across the country.

The Violations:

1. Stores too convenient for local residents. Newly erected commercial buildings must often be in a zone separate from residential areas, and thus accessible to most people only by car.

2. Abreast interference. Traffic departments in many cases deem curbside trees hazardous to motorists.

3. No parallel parking allowed. The preference has shifted to off-street lots and driveways.

4. Not enough parking. Typically, three to five parking spaces are required per 1,000 square feet of commercial space. Many commercial buildings today may not be more than one story high because they don't have enough parking space to be taller.

5. Houses too close together. These structures violate minimum side-setback requirements. In many residential areas there must be at least twenty feet between dwellings, eliminating the possibility of row houses.

6. House too small. Many newer communities have minimum-square-footage requirements, which effectively dictate that only people of a certain income level may live there.

7. Park too small. New parks must frequently meet a minimum-size test; maintaining one big park is cheaper than maintaining several smaller ones.

8. Sidewalk café not allowed. Restaurants and other vendors may be subject to a variety of sidewalk restrictions.

9. Street too narrow. It must be considered wide enough for large fire trucks to maneuver.

10. School too close to town. Segregated land-use practices may confine education, religion, and business to distinct zones.

11. Apartments above commercial space. They violate common "single-use" provisions.

12. Sidewalk too narrow. Five feet is a typical requirement.

13. Group housing. In some places there are sharp limits on the number of unrelated people who may live together in a single dwelling unit.

14. Aesthetic deviance. Communities often have regulations governing the size of signs and sometimes even the size and style of the lettering.

15. Too many buildings. In certain zones less than half and sometimes as little as one fifth of the area may be occupied by structures.

16. Cupolas and steeples not allowed. These are frequently ruled out by maximum-height stipulations.

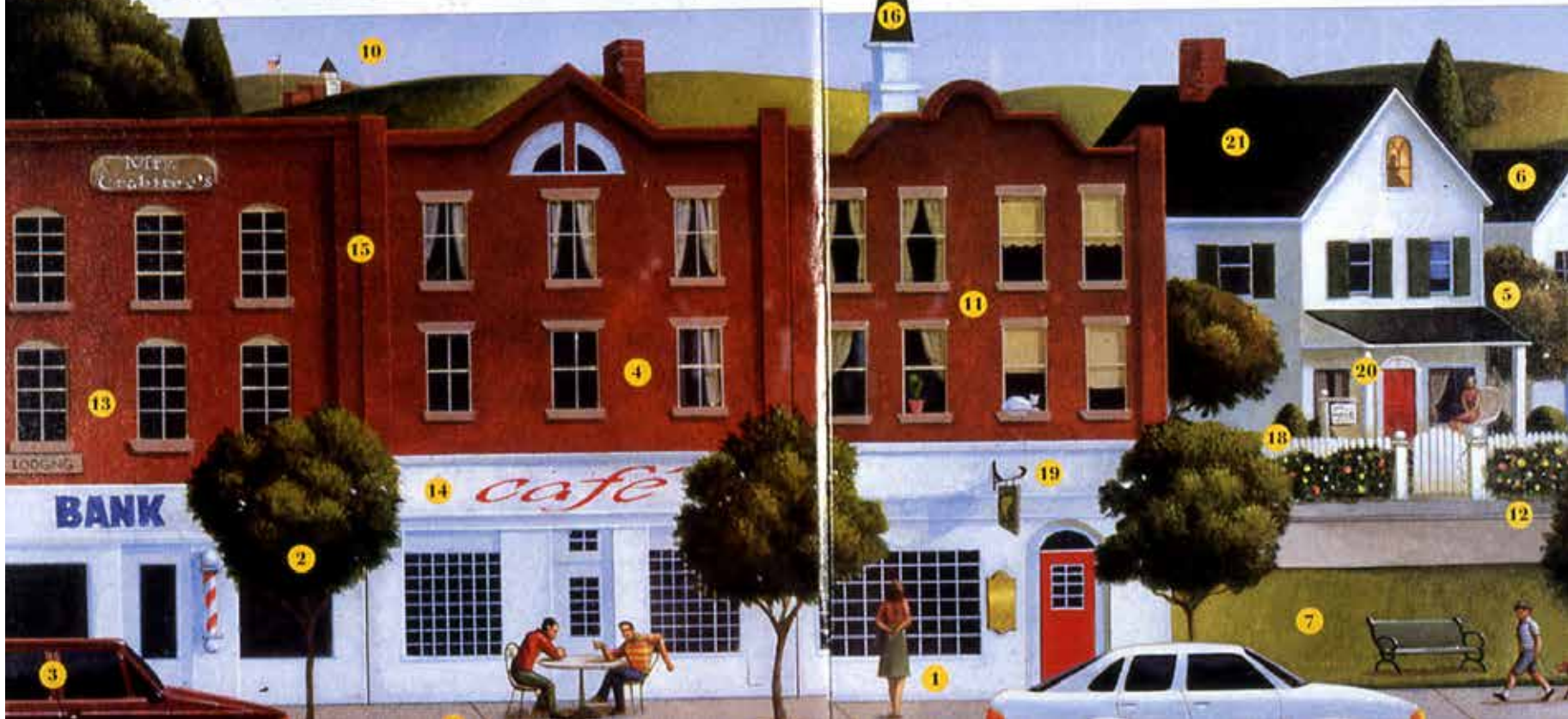
17. No driveway. Individual dwellings may be required to have at least two off-street parking spaces.

18. Illegal fence. Ordinances often cover the permissible size and placement of fences in front yards.

19. No perpendicular signs allowed. Such signs are commonly deemed an intrusion or a menace.

20. Not allowed to run a business out of a house. Doctors, dentists, and gallery owners (and lemonade vendors?) beware.

21. House too close to road. Setback rules bar too-tough relationships between residences and the sidewalk.



what is really the crux of ... zoning ... is the creation and maintenance of residential districts from which business and trade of every sort ... are excluded"

Town of Euclid v Ambler Realty Co

“American cities are dismal... The newer suburban subdivisions are dismal too... Their Architectural shortcomings aside, these places are dismal because the public realm which binds them together is degraded, incoherent, ugly and meaningless.”

James Howard Kunstler



Count Euclid

The Missing Middle





Detached Single-Family
Homes



MISSING MIDDLE HOUSING
Duplex • Triplex • Fourplex • Townhouse

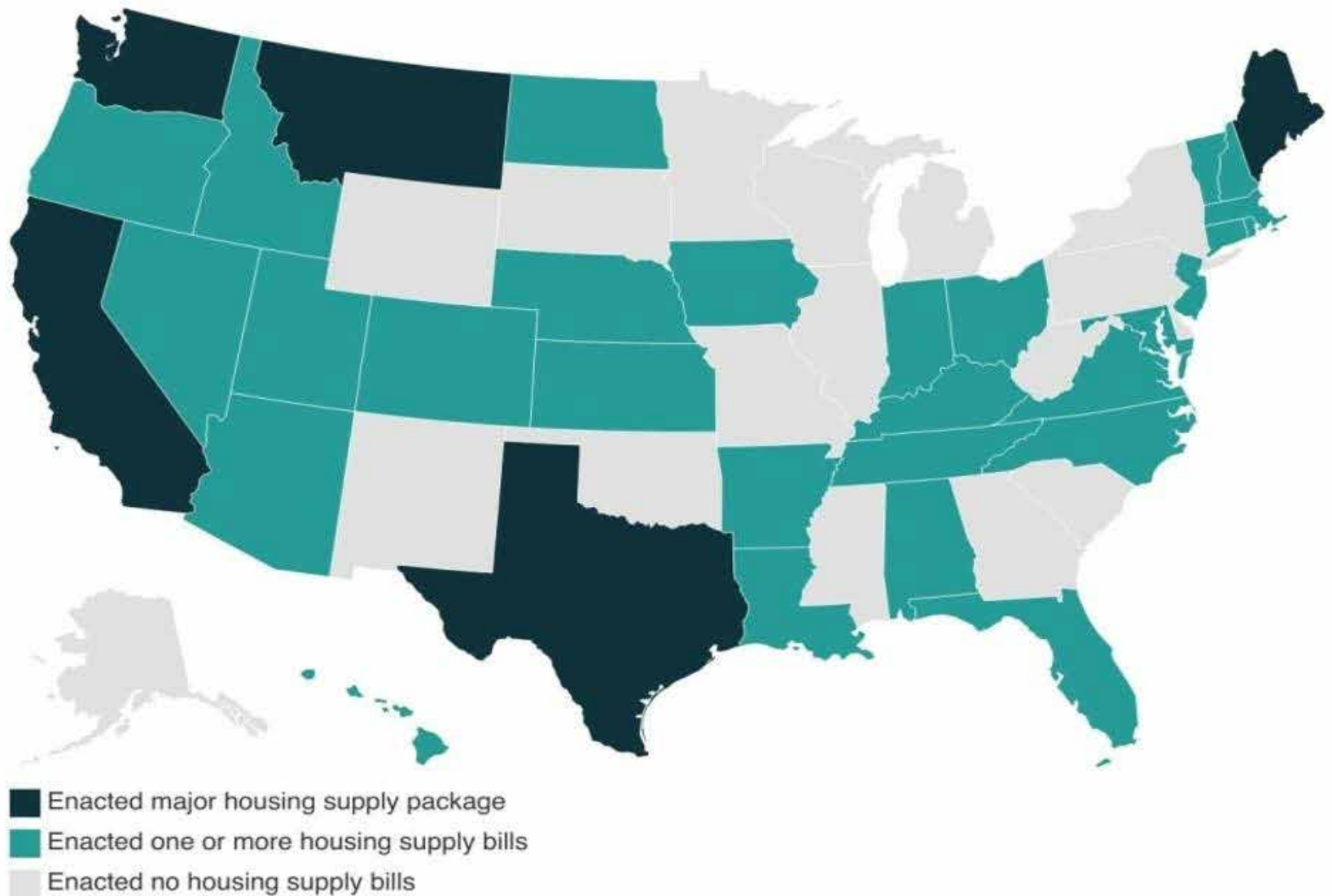


Mid-Rise

Homeowners and cities can win big with Light Touch Density



FIGURE 1. States that enacted housing supply bills, July 2024–June 2025



Note: California, Massachusetts, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, and Wisconsin typically pass bills in the second half of the calendar year.

Source: Authors' tabulation and analysis.



Corinne C. Heckerbach
Executive Editor
410-218-1229
cchecker@the-star.com
@corinneheckerbach

100% PAPER
100% RECYCLED

Task force narrows list of housing solutions

KIMBER METZ
kimber@the-star.com

EASTON — An 18-member group tasked with identifying solutions to address the Easton affordable housing stock is honing in on eight specific recommendations toward the Town Council.

Last Thursday, 11 members of the Affordable Housing Task Force met to review a draft presented by the task force's final report prepared by Michael Pyle, the town's planning and zoning director.

They agreed on the main recommendations, which will be spelled out in an official version of the draft and eventually presented to the Town Council at a next meeting. Those recommendations include:

- **Creating zoning exemptions**, including rezoning future lot "missing middle" units such as row houses, increasing minimum densities for row houses and townhomes and lot size requirements.

- A public-private partnership with a housing organization to build an affordable housing project on public land. Potential sites include the old Talbot County Health Department and vacant county land near Magnolia Drive.

- Community education to help residents better understand the affordable housing issue.

- Make minor lot exemptions for developers. A zoning recommendation is to create a Farmers to Lots of Acres, or FLOA, program, which could provide a property-tax break to developers building affordable units.



Affordable-priced apartments are under construction on Elliott Road. Easton's housing task force met last week to prioritize which housing recommendations it should make to council members as the town aims to address its shortage of affordable housing.

- **Incentivize investing.** Many at the meeting said the task force's job is to lay out potential solutions to improve Easton's affordable housing situation. There is no "silver bullet," Dr. said, but some co-chair Michael Pyle also a member of the Housing Commission.

- "There are all just little pieces to the puzzle," said town's Howard, director of government affairs, for the Mid-Shore Board of Realtors.



Talbot County Council member Lynn Mielke, second from left, and Easton Planning Commission member Tom Klein listen in during a housing task force meeting on Thursday, Aug. 7.

PHOTO BY KIMBER METZ FOR THE STAR

VOL. 226, NO. 251

NEWS

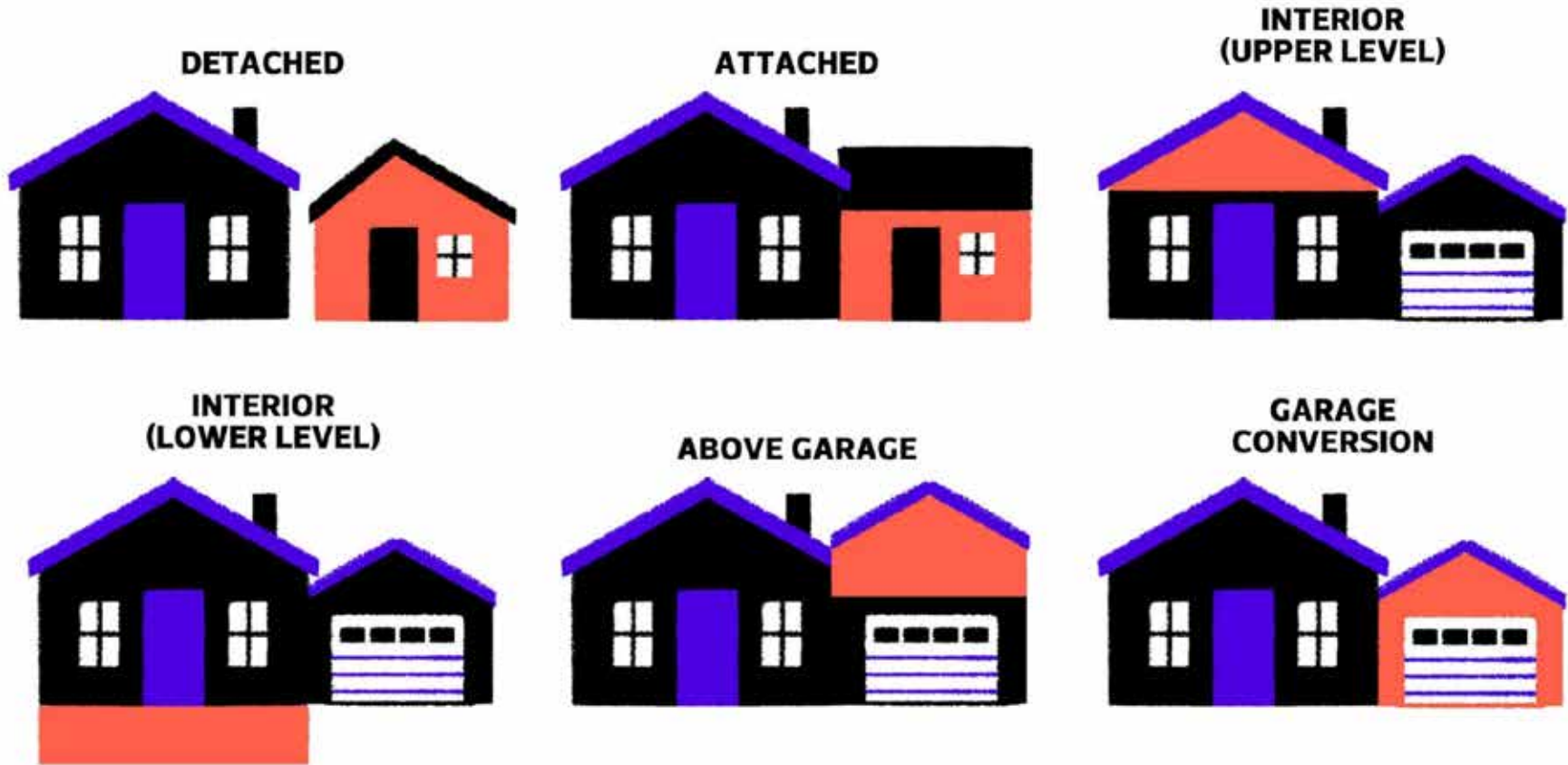
FEDERALSBURG

Town Hall open after mold remediation
PAGE 1

LIFE

LOCALEVENTS

See a calendar of regional event listings
PAGE 6



Accessory Dwelling Units (ADUs)



Granny Flat



Garage Apartment

Back yard unit

Accessory Dwelling Units (ADU's)

HB 1466

- Requires the adoption of local ordinances by October 1st 2026 that permit a ADUs on land with an existing single family detached unit as the primary dwelling
- prohibits an ADU from counting towards residential density calculations
- Prohibits the establishment of setbacks that exceed those requirements for existing accessory structures.



Smart Growth



Priority Funding Areas



Smart Green and Growing Initiative



URDL Urban Rural Demarcation Line

Urban Growth Boundaries

Baltimore County URDL





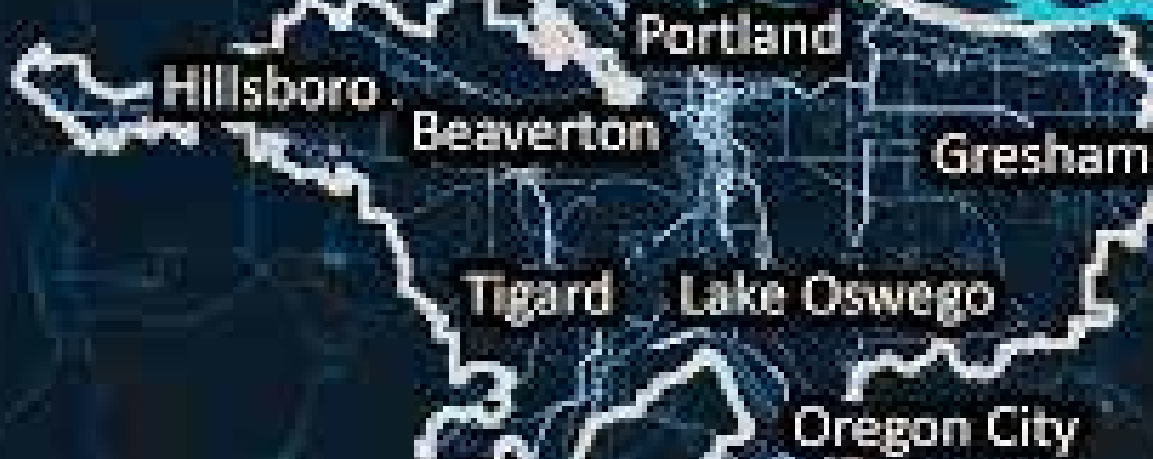


Portland

Urban Growth Boundary



Urban Growth Boundary





America is between 1.5 and 6.5 million housing units short.

Maryland is just under 100,000 units short.



The State of Maryland
Executive Department

EXECUTIVE ORDER

01.01.2025.19

ADDRESSING MARYLAND'S AFFORDABLE HOUSING CRISIS

- WHEREAS, The State of Maryland faces an unprecedented and rapidly growing housing affordability crisis caused by a shortage of at least 96,000 housing units and driven by insufficient housing construction over the past 15 years;
- WHEREAS, The increasing unavailability and unaffordability of safe, stable, livable housing for working families has created an imminent threat of widespread social and economic disruption, including severe negative impacts on Maryland's economic and business climate and the inability to retain new people entering the workforce, resulting in a lack of innovation and a stifling of overall economic development;
- WHEREAS, The Moore-Miller Administration's commitment to making Maryland a more affordable place to live, work, and raise a family includes ensuring that all Marylanders are able to obtain safe, stable, livable housing that fits their budget;
- WHEREAS, State government plays a vital role in fostering an environment that is conducive to the construction of enough housing to serve the needs of the State's residents; and
- WHEREAS, In order for Maryland to address its housing crisis and prevent economic stagnation, State government must take action to spur the construction of housing by removing regulatory barriers, accelerating building supply lines, shortening permit waiting times, reforming financing for affordable housing, leveraging State-owned property, and encouraging local jurisdictions to adopt land use rules more favorable to housing construction.
- NOW, THEREFORE, I, WES MOORE, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:
- A. Developing Housing on State-Owned Land and Accelerating Funding for Affordable Housing.**
1. The Department of Housing and Community Development and the Department of Transportation shall develop strategies to implement

Executive Order

Addressing Maryland's Affordable Housing Crisis

- Directs state agencies to identify state-owned properties for transit-oriented development
- Reduces state permitting timelines
- Creates a new state housing ombudsman to ensure development projects proceed expeditiously
- Directs HCD to work with local jurisdictions to create housing production targets for the state and each county and municipality with planning/zoning authority. The production targets are to be published in January 2026 and updated every 5 years.
- Establishes Maryland housing leadership awards to recognize jurisdictions that succeed on their housing development goals. The awards will give bonus points when applying for funding programs through HCD.



Thank You !

Presented by:
Count Euclid, and
David S. Thaler, PE, LS, DFE, D.WRE, FRGS, F.ASCE, F. NSPE
dsthaler@dsthaler.com | 410-944-3647
September 18 ,2025

DSThaler
& ASSOC., LLC

The End

The End





Other Implications in the Euclid Opinion

- .. Every municipality is sovereign
- .. Legislative bodies are entitled to great deference if their enactments are “fairly debatable”
- .. “*Buchanan v. Warley* 25 US 60 (1917) outlawed *de jure* racial housing segregation but zoning accomplished the same goal, on the sly.”

Professor Garrett Power

- .. Segregation of Uses

Baltimore County Zoning Regulations:

Section 502.1. Conditions determining granting of special exception.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved
- B. Tend to create congestion in roads, streets or alleys, therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;

Baltimore City Zoning Regulations

The Board has these general goals with respect to land use and zoning appeals:

- Prevents the overcrowding of land
- Avoid undue concentration of population
- Provide adequate light and air
- Secure safety from fire, panic, and other dangers
- Reduce congestion in the streets
- Help for adequate transportation, water, sewers, schools, parks, and other public services

UPZONING

(Not to be confused with rezoning)

Minneapolis 2040 Plan –
duplex and triplex in all sf neighborhoods

Oregon HB 2001 –
duplexes on all SFD land in cities > 10,000

California AB 68 -1 ADU and 1junior ADU on SF lots



Baltimore city ordinance 610: The West Plan

Prohibited African Americans from occupying blocks where white people were in the majority and vice versa.

Buchanan v Warley

245 S.Ct. 16

The supreme Court held that zoning for racial segregation was unconstitutional as a violation of the 14th amendment's equal protection clause.

Section 502.1. Conditions determining granting of special exception.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved
- B. Tend to create congestion in roads, streets or alleys, therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;

Preamble to the 1916 New York City Zoning Ordinance:

- To promote health and the general welfare;
- To lessen congestion in the streets;
- To secure safety from fire, panic, and other dangers;
- To prevent `the overcrowding of land; to avoid undo concentration of population;
- To facilitate adequate provision of transportation, water, sewage, schools, parks, and other public requirements....
- To provide adequate light and air;

“American cities are dismal... The newer suburban subdivisions are dismal too... Their Architectural shortcomings aside, these places are dismal because the public realm which binds them together is degraded, incoherent, ugly and meaningless.”

James Howard Kunstler