


Planning and Land Use Department Planning Commission Staff Report

Case Number	2025-11265	 <p style="text-align: center;"><i>Site Map</i></p>
Hearing Date	June 4, 2026	
Applicant / Owner	Joseph Foster and Elaine Foster	
Agent	Dalton Land Insights, LLC	
Attorney / Representative	Joseph M. Karnes	
Request	Certificate of Compliance / Legal Lot of Record	
Location	996 Martinez Lane	
Lot Area	Approx. 0.317 acres	
Zoning	R-5 Residential	
Overlay	Historic Downtown Archaeological Review District	
Case Manager	George Terry, Staff Planner	
Recommendation	Approval with Conditions	
Notice Date	May 20, 2026	

Case #2025-11265 - 996 Martinez Lane Certificate of Compliance. Dalton Land Insights, LLC, Agent, for Joseph Foster and Elaine Foster, Owners/Applicants, requests Planning Commission review and action on a Certificate of Compliance for a lot or contiguous lots that have been created in violation of the procedural requirements of section 14-3.7 "Subdivision of Land." The property is approximately 0.317 acres, zoned R-5 Residential, and located within the Historic Downtown Archaeological Review District.

I. RECOMMENDATION:

Staff recommends that the Planning Commission **APPROVE** Case #2025-11265, 996 Martinez Lane Certificate of Compliance, subject to the Conditions of Approval in Section VIII of this Staff Report.

One motion is required for this case:

- APPROVE Case #2025-11265, “996 Martinez Lane Certificate of Compliance,” based on the findings in the Staff Report and subject to the Conditions of Approval.

II. EXECUTIVE SUMMARY

The Applicant requests Planning Commission approval of a Certificate of Compliance to recognize the property at 996 Martinez Lane as a legal lot of record for land-use purposes under SFCC Chapter 14. The request is before the Planning Commission because the record concerns a lot or contiguous lots created in violation of the procedural requirements of Section 14-3.7, Subdivision of Land.

The case began as an administrative Legal Lot of Record / Certificate of Compliance request. Initial staff review determined that the original record was insufficient because staff could not determine the division of land that created the lot known as 996 Martinez Lane. The applicant subsequently provided additional deed, survey, chain-of-title, surrounding-property, and zoning compliance materials.

Staff recommends approval with conditions. The recommendation is based on the record as a whole: older deeds provide ownership-control context; the 1957 Scanlon materials explain why further review was necessary; the 1966 survey provides recorded tract geometry; the 1966/1967 deed provides the conveyance associated with the subject tract; surrounding-property materials support the boundary context; modern chain-of-title materials connect the tract to current owners; and the zoning compliance letter addresses Chapter 14 compliance.

Approval is limited. The recommended Certificate of Compliance does not constitute a title opinion, boundary adjudication, building permit approval, approval of unpermitted work, or waiver of future Chapter 14 or Historic District review.

III. PROPERTY, REQUEST, AND PROCEDURAL BACKGROUND

A. Property and Existing Conditions

The subject property is located at 996 Martinez Lane and contains approximately 0.317 acres. The property is zoned R-5 Residential and is located within the Historic Downtown Archaeological Review District. The property is developed with a primary residence, guesthouse/casita, accessory structures, and related site improvements as described in the applicant’s zoning compliance materials.

B. Request

The applicant requests Planning Commission review and action on a Certificate of Compliance for a lot or contiguous lots that have been created in violation of the procedural requirements of Section 14-3.7, Subdivision of Land. If approved and recorded in accordance with the conditions, the Certificate of

Compliance would recognize the property as a legal lot of record for land-use purposes under Chapter 14.

C. Procedural Background

The request was initially submitted as an administrative Legal Lot of Record / Certificate of Compliance matter. Initial staff review determined that the submitted materials did not provide enough information to support administrative approval, primarily because the record did not establish the division of land that created the lot known as 996 Martinez Lane.

The applicant then supplemented the record with additional deed, survey, chain-of-title, surrounding-property, and zoning compliance materials. The case is now proceeding to the Planning Commission under the Certificate of Compliance framework applicable to lots or contiguous lots created in violation of the procedural requirements of Section 14-3.7.

IV. EVIDENCE SUMMARY AND LOT FORMATION RECORD

Staff does not rely on any single historical document as independently dispositive. Staff reads the record as a whole. The 1918 and 1919 deeds provide the applicant's ownership-control context; the 1957 Scanlon materials explain why additional review was necessary; the 1966 survey provides the recorded tract geometry; the 1966/1967 deed provides the conveyance associated with the subject tract; the surrounding-property materials support the boundary context; and the modern chain-of-title documents connect the historic tract to the current owners. When read together, the record shows that the lot was created in violation of the procedural requirements of Section 14-3.7, however, sufficient for Certificate of Compliance purposes, subject to conditions.

A. Initial Staff Concern

The original administrative record did not adequately explain how the subject lot was created. The 1957 Scanlon Map and overlay materials show why the current parcel configuration required additional explanation. The current Staff Report therefore explains the evidence that was later provided to address the original staff concern.

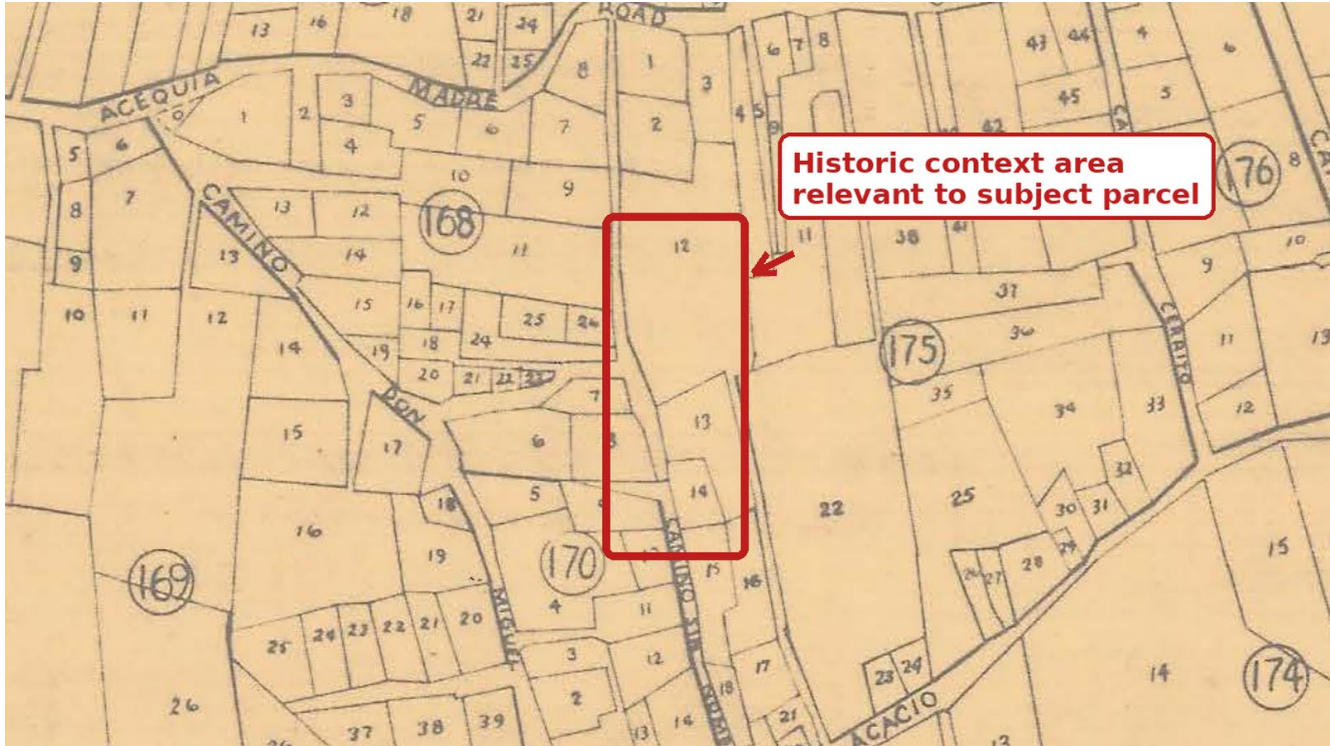


Figure 1. 1957 Scanlon Map excerpt showing historic mapping context for the surrounding area.

1957 Scanlon
Overlay on current
imagery

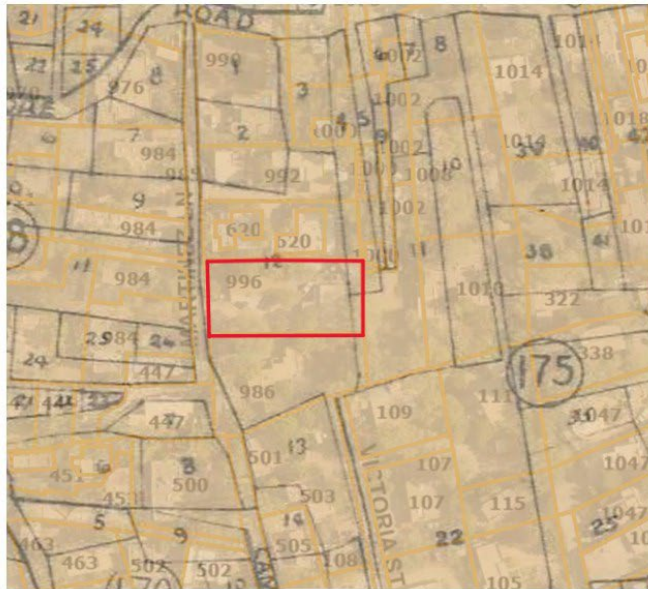


Figure 2. 1957 Scanlon Map overlay on current imagery showing the historic/current configuration issue.

B. Ownership-Control Context and Lot Formation

The applicant attorney submitted materials explaining that Juan B. Martinez owned or controlled land in the area before the subject conveyance. The applicant's evidence relies on the 1918 and 1919 Teodoro Martinez to Juan B. Martinez deeds and supporting surrounding-property records. Those materials are used as ownership-control and boundary-context evidence; they are not treated as a City title opinion.

The central physical evidence of the subject tract is the 1966 survey / plat for Pat and Isabell Martinez, recorded January 4, 1966, in Plat Book 13, Page 64, Document No. 289154. The central conveyance evidence is the 1966/1967 deed from Juan B. Martinez to Patricio Louis Martinez and Isabel Martinez, recorded January 6, 1967, in Book 246, Page 057.

Figure 3. Chain-of-title summary supplied by the applicant, showing the sequence from Teodoro Martinez to Juan B. Martinez, the Juan B. Martinez conveyance to Patricio and Isabel Martinez, and the modern conveyances to the current owners.

996 Martinez Lane

Chain of Title

Grantor	Grantee	Recording Info
Teodoro Martinez	Juan B Martinez	Book P-2, P. 130
Teodoro Martinez	Juan B. Martinez	Book P-2, P 2
Juan B. Martinez	Patricio L. Martinez and Isabel Martinez	Book 246 P. 057
Affidavit of Heirship		Instr. # 2033259
Sylvia Valdez et al	Peregrino Properties III LLC	Instr. # 2033256
Peregrino Properties III, LLC	Joseph Foster and Elaine Foster	Instr. # 2059159

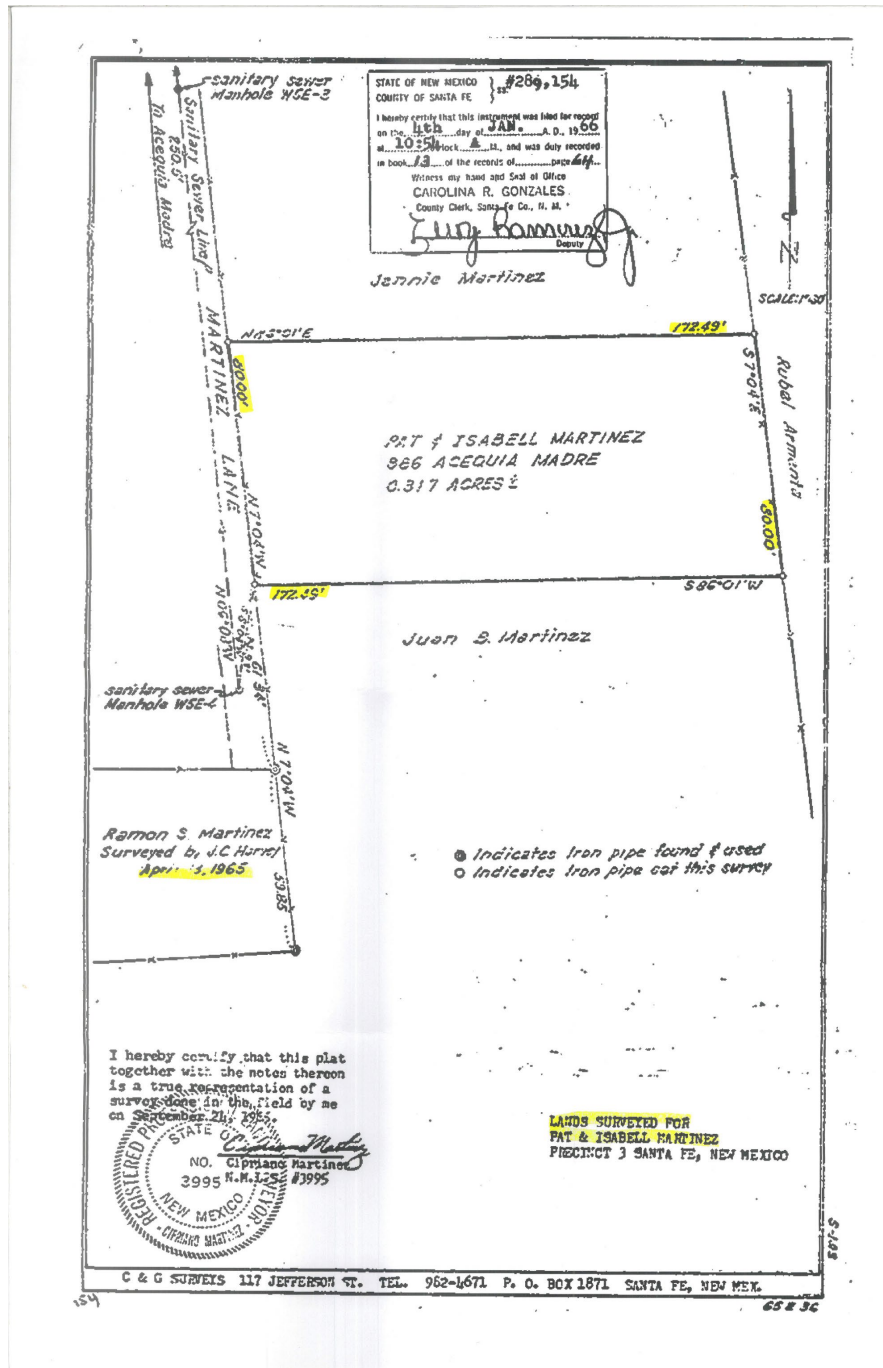


Figure 4. 1966 survey / plat for Pat & Isabell Martinez, recorded January 4, 1966, Plat Book 13, Page 64, Document No. 289154.

057

SF - 1 SHORT-FORM WARRANTY DEED—Rev. 11-59—New Mexico Statutory Form

THE VALLIANT CO. ALBUQUERQUE, N. M.

WARRANTY DEED 246057

Juan B. Martinez for consideration paid, grant to Patricio Luis Martinez & Isabel Martinez

the following described real estate in Santa Fe County, New Mexico:

Sold to Patricio Louis Martinez and Isabel Martinez, a piece of land Parcel No. 3 Santa Fe, New Mexico, measurement 80 feet wide and 17.7 feet long, they bound by North of Jennie Martinez, by South Juan B. Martinez, by West the entrance of Martinez Lane, by East Rubel Armenta.

with warranty covenants.

WITNESS: Juan B. Martinez and seal this 2nd day of November 1966

(Seal) (Seal)

(Seal) (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF Santa Fe ss.
The foregoing instrument was acknowledged before me this 2nd day of November 1966
by Juan B. Martinez
(Name of Person or Person Acknowledging)

My commission expires August 14, 1969
(Seal) Juan L. Vigil Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO
COUNTY OF _____ ss.
The foregoing instrument was acknowledged before me this _____ day of _____, 19____
by _____ of _____
(Name of Officer)

Witness my hand and Seal of Office
PITA T. GONZALES
County Clerk, Santa Fe Co., N.M.
Rosa D. Alvarez
Deputy

My commission expires: _____
(Seal) _____ Notary Public

Figure 5. 1966/1967 warranty deed from Juan B. Martinez to Patricio Louis Martinez and Isabel Martinez, Book 246, Page 057.

V. CERTIFICATE OF COMPLIANCE / LEGAL LOT ANALYSIS

Section 14-3.7 provides the procedural subdivision framework for the request. The Planning Commission may review and act on a Certificate of Compliance for a lot or contiguous lots created in violation of the procedural requirements of Section 14-3.7 where the record supports recognition and Chapter 14 compliance is shown or can be ensured by conditions.

The subject property is described by reference to a recorded survey / plat and related deed and chain-of-title materials. The record does not support treating the property as a clean administrative legal lot determination. The record does, however, support Planning Commission review and approval of a Certificate of Compliance because the applicant has provided sufficient deed, survey, chain-of-title, and supporting record evidence for Certificate of Compliance purposes.

The applicant-provided legal description references the tract shown on the plat entitled “Lands Surveyed for Pat & Isabell Martinez Precinct 3 Santa Fe, New Mexico,” recorded January 4, 1966, in Plat Book 13, Page 64, Document No. 289154, records of Santa Fe County, New Mexico. The final Certificate of Compliance instrument and legal description should be reviewed and approved by City staff before recordation.

VI. CHAPTER 14 COMPLIANCE ANALYSIS

The applicant’s zoning compliance letter states that the property contains approximately 13,667 square feet (0.31 acres) and is zoned R-5 Residential. The letter states that the lot supports the existing primary dwelling and guesthouse/casita and that the guesthouse/casita is less than fifty percent of the size of the primary residence. The letter also addresses setbacks, lot coverage, access, parking, and existing sheds.

The applicant’s zoning compliance letter states that total lot coverage is approximately 3,665 square feet, or 27 percent of the lot area, below the 40 percent maximum identified for the R-5 district. The letter states that the property provides five parking spaces where four are required. The letter identifies existing sheds and portal work as compliance items that may require separate City review, removal, permitting, or other code-compliant resolution.

Required Finding / Issue	Staff Analysis	Conclusion
Planning Commission authority	The request concerns a Certificate of Compliance for a lot or contiguous lots created in violation of the procedural requirements of Section 14-3.7, Subdivision of Land.	Finding can be made.
Recorded tract / identifiable lot	The record includes the 1966 survey / plat and 1966/1967 deed, together with the current legal description referencing the recorded survey.	Finding can be made.
Lot formation record	The record should be read as a whole: older deeds provide ownership-control context; the Scanlon materials explain the mapping issue; the 1966 survey and deed identify the tract and conveyance; modern chain-of-title materials connect the tract to current owners.	Finding can be made for Certificate of Compliance purposes.
Chapter 14 compliance	The Dalton zoning compliance letter addresses R-5 zoning, lot area, lot coverage, setbacks, access, parking, guesthouse/casita status, sheds, and portal work.	Compliant or conditionable.
Scope limitations	Approval should not be treated as title certification, boundary adjudication, building permit approval, or approval of unpermitted work.	Conditions recommended.

VII. FINDINGS

1. The Planning Commission has authority to review and act on the requested Certificate of Compliance for a lot or contiguous lots created in violation of the procedural requirements of Section 14-3.7, Subdivision of Land.
2. The subject property is described by recorded instruments, including the 1966 survey / plat for Pat and Isabell Martinez and the 1966/1967 deed from Juan B. Martinez to Patricio Louis Martinez and Isabel Martinez.
3. The record, when read as a whole, provides sufficient evidence for Certificate of Compliance purposes. The evidence includes ownership-control context, historic mapping materials, recorded

tract geometry, conveyance evidence, surrounding-property context, and modern chain-of-title materials.

4. The property complies with applicable Chapter 14 standards or can be conditioned to ensure compliance for purposes of Certificate of Compliance approval.
5. Conditions of approval are necessary and appropriate to ensure recordation, final legal-description review, scope limitations, future Chapter 14 and Historic District compliance, and resolution of existing improvement issues.
6. Approval of the Certificate of Compliance is a land-use determination under Chapter 14 and does not constitute a title opinion, boundary adjudication, or approval of existing or future improvements.

VIII. CONDITIONS OF APPROVAL

1. **Recordation:** The approved Certificate of Compliance shall be recorded in the Office of the Santa Fe County Clerk after Planning Commission approval and satisfaction of all applicable conditions.
2. **Final legal description / certificate instrument:** Before recordation, the final Certificate of Compliance instrument and legal description shall be reviewed and approved by City staff for consistency with the Planning Commission approval and the record relied upon for the Certificate of Compliance.
3. **Limited scope of approval:** Approval of the Certificate of Compliance recognizes the subject property as a legal lot of record for land-use purposes under SFCC Chapter 14. Approval does not constitute a title opinion, title insurance determination, boundary adjudication, or resolution of any private property dispute, easement, encumbrance, or ownership issue.
4. **No approval of existing or future improvements:** Approval of the Certificate of Compliance does not approve, legalize, or permit any existing or future structure, addition, portal, shed, guesthouse/casita, utility work, access improvement, building-code condition, or other development unless separately reviewed and approved under applicable City requirements.
5. **Future Chapter 14 and Historic District compliance:** All future development, construction, alteration, repair, demolition, exterior work, change in use, building permit activity, access work, or utility work shall comply with SFCC Chapter 14 and all applicable Historic District requirements.
6. **Shed resolution:** The applicant/property owner shall remove or otherwise resolve the existing sheds through Historic staff review, permitting, removal, or other code-compliant action as determined by City staff and prior to recording the Certificate of Compliance in the Office of the County Clerk.
7. **Portal / exterior work:** The applicant/property owner shall obtain any required approvals or permits for portal repair work or other existing exterior improvement work, as determined by City staff and prior to recording the Certificate of Compliance in the Office of the County Clerk.

IX. PUBLIC NOTICE AND PROCEDURAL COMPLIANCE

Public notice for this case was administered through the City's standard Planning Commission public notice process. The applicant was responsible for completing required mailing, neighborhood

association notice, site posting, and proof-of-notice requirements in accordance with the City’s public hearing notice procedures.

The required notice date for the June 4, 2026 Planning Commission hearing was May 20, 2026. The case file includes public notice materials submitted by the applicant, including the public notice affidavit, resident/occupant mailing labels, adjoiner mailing list, neighborhood association notice information, the public hearing notice, and documentation related to site posting. The affidavit materials certify that notice was mailed to property owners, tenants, and registered neighborhood associations within 300 feet of the subject property; that notice was sent by email to registered neighborhood associations within 300 feet; and that the subject property was posted with the City-provided public meeting notice.

Notice and proof-of-notice materials are maintained in the case file as part of the procedural record for this Planning Commission hearing. Public notice compliance is addressed as a procedural hearing requirement and is not included as a condition of approval.

X. ATTACHMENTS

Attachment	Description
Attachment A	Conditions of Approval / Technical Corrections
Attachment B	Maps, Photos, and Site Context
Attachment C	Applicant Materials
Attachment D	Evidence / Deed / Survey / Chain-of-Title Record
Attachment E	Staff Analysis / Evidence Matrix / Supporting Memoranda

XI. ATTACHMENT INDEX

The following attachments are included with the Staff Report for Planning Commission review:

Attachment A — Conditions of Approval	
A	Recommended Conditions of Approval
Attachment B — Maps, Photos, and Site Context	
B-1	Current GIS / Aerial Site Map
B-2	1957 Scanlon Map
B-3	1957 Scanlon Map Overlay on Current Imagery

Attachment C — Applicant Materials	
C-1	Applicant Letter of Request
C-2	Dalton Zoning Compliance Letter
Attachment D — Evidence / Deed / Survey	
D-1	1966 Survey / Plat — “Lands Surveyed for Pat & Isabell Martinez Precinct 3 Santa Fe, New Mexico”
D-2	Juan B. Martinez to Patricio Louis Martinez and Isabel / Isabell Martinez Deed
D-3	Chain of Title Summary
D-4	Applicant Attorney Letter to Planning Staff — Certificate of Compliance / Legal Lot of Record Argument
D-5	Applicant Attorney Letter to Leadership — Ownership-Control Explanation
D-6	Supporting Deed Exhibits and Related Evidence Materials
Attachment E — Staff Analysis / Evidence Matrix	
E-1	Staff Evidence Matrix
E-2	Deed / Title Chronology Table

XII. RECOMMENDED MOTION

Staff recommends the following motion:

Approve Case #2025-11265, 996 Martinez Lane Certificate of Compliance, based on the findings in the Staff Report and subject to the Conditions of Approval.

XIII. APPROVAL ROUTING

Review	Name / Office	Initials
Heather Lamboy, AICP	Department Director	
Maggie Moore	Assistant Department Director	<i>MM</i>
Daniel A. Esquibel	Planning Manager	<i>DAE</i>
A. George Terry	Case Planner	<i>AGT</i>