

From: [Michael Olejnik](#)
To: ["D Botelho"](#)
Bcc: [Lesley Xavier](#)
Subject: Subaru violating their operating permit
Date: Tuesday, December 9, 2025 10:40:00 AM
Attachments: [image001.png](#)

Good morning Dave, Stevens Creek Subaru petitioned City Council for reconsideration of the prior hearing. That petition was heard by Council, motioned, voted on, and subsequently passed. As a result, a new hearing will take place (TBD) and will be heard as if it were the first time. When an applicant appeals a citation or decision, the city temporarily pauses additional enforcement since the outcome is undetermined, this is common practice, and in line with direction received from the City Attorney's Office. Once Council has had an opportunity to make a decision will enforcement resume, or not resume, dependent on the outcome.

Michael Olejnik

Code Enforcement Officer | Community Development
1500 Warburton Ave Santa Clara, CA 95050
D: 408.615.2428 | Email: molejnik@santaclaraca.gov



From: D Botelho <davebotelho@mac.com>
Sent: Monday, December 8, 2025 11:16 AM
To: Kelly Cox <KCox@SantaClaraca.gov>; Lesley Xavier <LXavier@santaclaraca.gov>; Manager <Manager@santaclaraca.gov>; Mayor and Council <MAYORANDCOUNCIL@SantaClaraCA.gov>; Lisa Gillmor <LGillmor@SantaClaraCA.gov>
Cc: Tracie Johnson <johnson.tracie@rocketmail.com>; Cliff Moore Neighbor <klaffy@outlook.com>; Lisa & Moe <mlaguilar523@sbcglobal.net>; Mark Irving <mairv1150@yahoo.com>; Patrick Burns <pat17burns@gmail.com>; Kirk Vartan <kirk@asliceofny.com>
Subject: Re: Subaru violating their operating permit

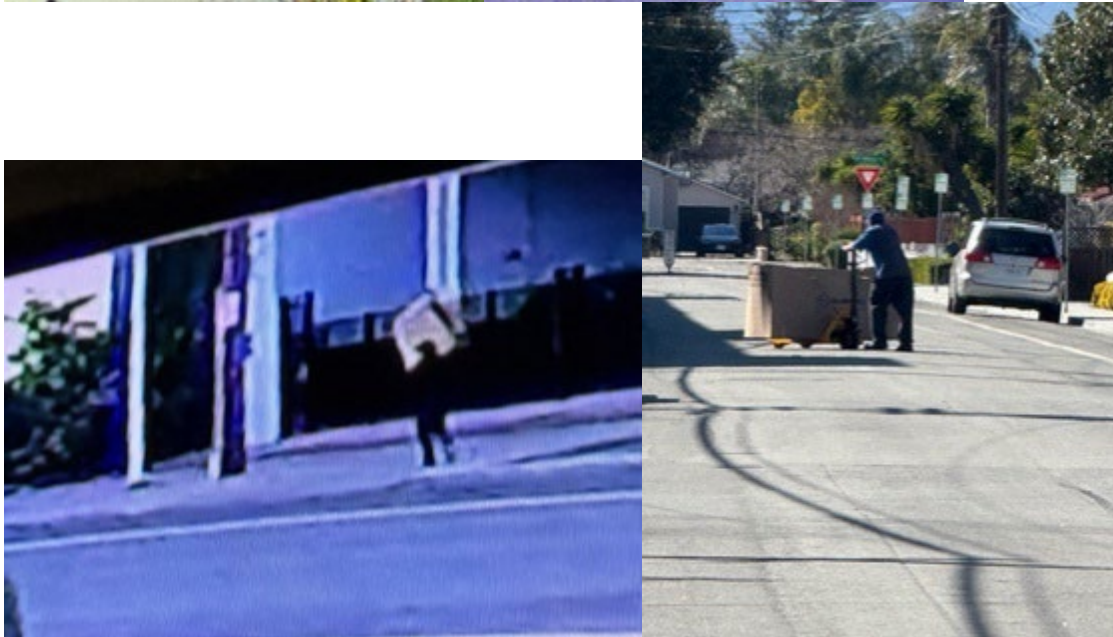
City of Santa Clara,

Hope this helps me get my point across.

What I can't understand is that Michael Olejnik says his team went out there and didn't see any activity of violations ?!?!

These pics were taken over a two week span and have plenty more.

Dave







On Dec 8, 2025, at 10:44 AM, D Botelho <davebotelho@mac.com> wrote:

Hello Kelly,

This morning 8AM, Same white Honda Civic parks on Cecil ave and enters through the emergency only gate to enter Subaru to go to work. This guy has been doing this for weeks now.

Please have the City enforce their operating permit. Sending all of these e-mails is something I shouldn't have to be doing everyday just because the City is failing to enforce with they agreed to.

CECIL AVE is asking for HELP AGAIN. PLEASE!!!!!!!

CLEARLY Subaru NOT being good neighbors

Thank you,

Dave

<IMG_2882.jpeg><IMG_2883.jpeg><IMG_2884.jpeg>

On Dec 4, 2025, at 7:53 PM, Kelly Cox <kcox@santaclaraca.gov>

wrote:

Hi all,

Thank you for bringing this to my attention. I will reach out to staff immediately.

Kelly

Get Outlook for iOS

From: Tracie Johnson <johnson.tracie@rocketmail.com>

Sent: Saturday, November 29, 2025 1:26:10 PM

To: Kelly Cox <KCox@SantaClaraca.gov>; D. Botelho <davebotelho@mac.com>; Cliff Moore

Neighbor <klaffy@outlook.com>

Subject: Fw: Subaru violating their operating permit

Dave,

Kelly Cox is our district six council representative so you should also be working with her.

I also recommend reaching out to Subaru corporate at this point.

The trash that is everywhere goes against Subaru's corporate image as an environmentally conscious company.

Regards,

Tracie

----- Forwarded Message -----

From: D Botelho <davebotelho@mac.com>

To: Lesley Xavier <lxavier@santaclaraca.gov>; Manager <manager@santaclaraca.gov>; and Council Mayor <mayorandcouncil@santaclaraca.gov>

Cc: Lisa & Moe <mlaguiar523@sbcglobal.net>; Mark Irving <mairv1150@yahoo.com>; Cliff Moore

Neighbor <klaffy@outlook.com>; Patrick Burns <pat17burns@gmail.com>; Dave Botelho

<davebotelho@mac.com>; Tracie Johnson

<johnson.tracie@rocketmail.com>; Kirk Vartan

<kirk@asliceofny.com>; Lisa

Gillmor <lgillmor@santaclaraca.gov>

Sent: Saturday, November 29, 2025 at 11:14:23 AM PST

Subject: Subaru violating their operating permit

Hello City of Santa Clara,

In case there were any issues viewing the videos I sent yesterday (Friday the 28th), I am attaching photos taken the same day showing the ongoing problems. As noted in my previous requests, Subaru staff are using this emergency only door and dragging garbage down our street with a pallet jack, trash and debris blowing in front of our homes and using the door for bring in car parts and entering for work

Since March 2025 I have submitted emails and multiple Code Enforcement requests about this same issue over time and, unfortunately, the problem continues with no resolution.

I am respectfully requesting that the City of Santa Clara please enforce Subaru's operating permit and the applicable code requirements so that they live up to their commitments to be good neighbors like they said when the dealership was approved and built.

A little help from the City of Santa Clara would be greatly appreciated by the residence on Cecil Ave.

Thank you for your time and attention and welcome anyone to call me if they would like to discuss further or have questions.

Respectfully,

Dave Botelho
408-640-9311

Subaru Employee entering to go to work through the emergency only door

<Screen Shot 2025-11-29 at 10.25.41 AM.png><Screen Shot 2025-11-29 at 10.27.53 AM.png><Screen Shot 2025-11-29 at 10.31.07 AM.png>

Subaru Employee entering dropping off car parts through the emergency only door

<Screen Shot 2025-11-29 at 10.37.19 AM.png><Screen Shot 2025-11-29 at 10.39.16 AM.png><image003.jpeg>
<IMG_2736.jpeg>

New Report

APPLIED FILTERS



Date range: **Jan 1, 2025 - Feb 18, 2026**
Department: **Community Development**
Keyword: **3225 Stevens Creek**
Request Type: **All**
Status: **All**

ID	Request Type	Description	Address	Assigned To	Priority	Status	Date Created	Completion Due Date
17630438	Code Enforcement	Subaru Employees parking on Cecil ave and entering Subaru through the emergency only gate. Per their operating permit, Subaru employees are not to be parking on CECIL Ave and NO ONE should be going through the emergency gate UNLESS it's an actual emergency. I have photo's but was having trouble getting them onto your website.	3225 Stevens Creek Boulevard, Santa Clara, CA 95050, USA	Michael Olejnik	Medium	Completed	December 8, 2025 11:10 am	January 12, 2026
17471469	Code Enforcement	I am writing to report that Subaru continues to use their emergency-only exit on Cecil Avenue to dispose of garbage and access our street. This is a clear violation of their approved operating permit. As you know, the litigation regarding this issue has already concluded, and Subaru was not approved to use the rear gate for any purpose other than emergencies. Despite this, their staff are...	3225 Stevens Creek Boulevard, Santa Clara, CA 95050, USA	Michael Olejnik	Medium	Completed	October 15, 2025 2:54 pm	November 16, 2025
17026866	Code Enforcement	Subaru continues to open the emergency only egress door to push trash cans down the street to get emptied. Why has this not been stopped. This is in-violation on their operating permit. Please update!	3225 Stevens Creek Blvd, San Jose, CA 95117, USA	None	Medium	Completed	June 23, 2025 10:26 pm	July 28, 2025

ID	Request Type	Description	Address	Assigned To	Priority	Status	Date Created	Completion Due Date
16955433	Code Enforcement	Subaru continues to violate their operating permit by bringing wheeling trash cans down the street using the emergency gate. Please make them stop> This is clearly against their operating permit and the city continues to allow this to happen	3225 Stevens Creek Blvd, Santa Clara, CA, USA	None	Medium	Completed	June 5, 2025 11:07 am	July 10, 2025
16927392	Code Enforcement	I am writing to formally report a recurring noise issue originating from the Subaru dealership's car wash facility. It has been observed that the dealership is operating the car wash machines while the roll-up doors open., closing them way after the machines have already started resulting in excessive and disruptive noise affecting the residents and properties of Cecil Ave. To help...	3225 Stevens Creek Blvd, Santa Clara, CA 95117, USA	Michael Olejnik	Medium	Completed	May 29, 2025 3:29 pm	July 3, 2025
16923092	Code Enforcement	Subaru continues to allow their employees to exit and hall garbage down the street through the emergency ingress/egress only door. This is clearly in violation of the P.6 Use permit. Can you please make them stop as it's been going on for 3 months now	3225 Stevens Creek Boulevard, San Jose, CA, USA	None	Medium	Completed	May 28, 2025 5:50 pm	July 2, 2025

From: Afshan Hamid
Sent: Tuesday, January 13, 2026 1:49 PM
To: davebotelho@mac.com
Subject: C2025-88 FW: Subaru violating their operating permit

Hello Dave

Thank you for the phone call today, and I understand the frustrations of the neighbors and we are empathetic to the neighbors. I am sharing the email that I sent to Council member Cox several weeks ago.

Staff is in receipt of the email from Mr. Botelho regarding on-going violations of the permit for the Subaru Dealership that he and his neighbor's witness. Staff in Code Enforcement has received the emails from the neighbors.

Background Summary:

The Subaru Dealership at 3225 Stevens Creek Boulevard is currently under an application for an appeal by the City Council. The project was heard by the Planning Commission on August 13, 2025, and the PC denied the applicant's request to relocate the trash collection from Stevens Creek Boulevard to Cecil Avenue. The appeal application was heard by the City Council on October 7, 2025, and Council requested the item be continued to a future date with Mission Trail staff coming to the City Council to provide input.

Neighborhood Complaints:

Staff acknowledges the emails from Mr. Botelho as well as other residents. However, the violation needs to be witnessed by code enforcement personnel. Staff need to be able assess the circumstances that lead to the violation.

Staff has spent many hours with the residents over years regarding complaints for the businesses that back onto Cecil Avenue. Although it may appear as if the complaints are violations, until staff can establish that the violations are verified, staff is limited in issuing notices of violations. In some cases, residents have complained regarding cars parked in alleys, when these alleys are private and owned by the businesses. In some cases, residents have complained about cars parked for weeks, when it has been the city engineer's vehicle that visits the site to conduct work.

However, staff over the years have been responsive to the residents and provided on-going support to residents.

Code Enforcement Paused:

Because the application is under an appeal, the code enforcement is currently on hold until there is a resolution. It has long been the policy our department to pause additional enforcement action until a decision is made by a Hearing Officer, Judge, Planning Commission, etc. This is also in line with the guidance we receive from the City Attorney's Office (it's important to note that enforcement had resumed when Subaru lost its appeal up until they got their reconsideration). Both parties (the residents and the dealership are under the review of the appeal and continue to provide supporting information. However, Council must determine the action based on the evidence provided.

Additional points for consideration are that Council wanted Mission Trail to be present at the hearing, effectually pushing Subaru's ability to get relief out months. It wouldn't be good policy to issue fines while withholding the remedy. There is also that the reconsideration was deemed "*de novo*" by the City Attorney, so it's effectively being heard as new, and doesn't rely on previous decisions. Because of that, if staff kept issuing citations during that period, and Subaru were to be granted the amendment, that enforcement would have to be walked back.

In summary, both parties believe they are in the right. Subaru feels that the previous decision made was incorrect, and the fact that Council agreed to reconsideration indicates that there is some merit to that opinion. The residents of Cecil Avenue feel that the Planning Commission and City Council want the trash to continue to be on Stevens Creek Boulevard, even though most businesses have trash collection on Cecil Avenue. At this time, staff is waiting for the appeal direction, prior to taking action based on what Council determines.

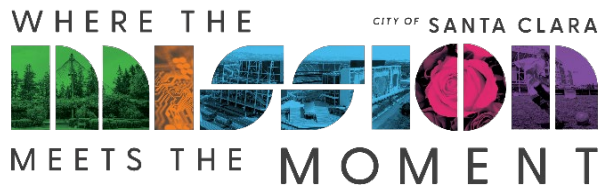
Additionally, I have reached out via phone to the Subaru dealership owner to make him aware of on-going complaints from the neighborhood. Code enforcement staff have also reached out to Mr. Botelho and the neighborhood residents to explain the process.

Afshan Hamid

Director| Community Development

1500 Warburton Avenue | Santa Clara, CA 95050

Direct: 408-615-5670 | ahamid@santaclaraca.gov



From: D Botelho <davebotelho@mac.com>

Sent: Monday, December 8, 2025 1:51 PM

To: Kelly Cox <KCox@SantaClaraca.gov>

Cc: Lesley Xavier <LXavier@santaclaraca.gov>; Manager <Manager@santaclaraca.gov>; Mayor and Council <MAYORANDCOUNCIL@SantaClaraCA.gov>; Lisa Gillmor <LGillmor@SantaClaraCA.gov>; Tracie Johnson <johnson.tracie@rocketmail.com>; Cliff Moore Neighbor <klaffy@outlook.com>; Lisa & Moe <mlaguilar523@sbcglobal.net>; Mark Irving <mairv1150@yahoo.com>; Patrick Burns <pat17burns@gmail.com>; Kirk Vartan <kirk@asliceofny.com>

Subject: Re: Subaru violating their operating permit

This morning at 10:30AM making personal phone calls out the emergency only door for 15 minutes



Today at 12:01PM taking out the trash out the emergency only door



On Dec 8, 2025, at 12:37 PM, Kelly Cox <KCox@SantaClaraca.gov> wrote:

Thank you Dave,

I am including Chief Morgan who has been assisting me in incidents such as this. He has been excellent with prompt response, both in correspondence and officers on the ground. I'm happy you brought this to my attention as Subaru has asked for a reconsideration for our decision to not move their garbage pickup location (I am

sure you are aware). This documentation gives us opportunity to speak directly to the current practices of this business and hold them accountable from the dais. I expect you will hear from Chief Morgan shortly, but please keep me apprised in the meantime, so I have information to present at council.

Kelly

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You don't often get email from davebotelho@mac.com. Learn why this is important

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