

County of Santa Clara

Department of Environmental Health

Consumer Protection Division

1555 Berger Drive, Suite 300, San Jose, CA 95112-2716

Phone (408) 918-3400 www.ehinfo.org



OFFICIAL INSPECTION REPORT

Facility FA0283737 - PHO KITCHEN		Site Address 5130 CHERRY AV 10, SAN JOSE, CA 95118		Inspection Date 07/11/2025		Placard Color & Score GREEN 69		
Program PR0425534 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name ACE CONCEPT CORP		Inspection Time 10:00 - 11:10			
Inspected By JENNIFER RIOS		Inspection Type ROUTINE INSPECTION		Consent By JENNY				FSC Jenny Chau 08/16/2027

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification	X						
K02	Communicable disease; reporting/restriction/exclusion	X						
K03	No discharge from eyes, nose, mouth	X						
K04	Proper eating, tasting, drinking, tobacco use					X		
K05	Hands clean, properly washed; gloves used properly					X		
K06	Adequate handwash facilities supplied, accessible			X				
K07	Proper hot and cold holding temperatures		X		X			
K08	Time as a public health control; procedures & records					X		
K09	Proper cooling methods					X		
K10	Proper cooking time & temperatures					X		
K11	Proper reheating procedures for hot holding					X		
K12	Returned and reservice of food					X		
K13	Food in good condition, safe, unadulterated			X				
K14	Food contact surfaces clean, sanitized			X				
K15	Food obtained from approved source	X						
K16	Compliance with shell stock tags, condition, display						X	
K17	Compliance with Gulf Oyster Regulations						X	
K18	Compliance with variance/ROP/HACCP Plan						X	
K19	Consumer advisory for raw or undercooked foods						X	
K20	Licensed health care facilities/schools: prohibited foods not being offered						X	
K21	Hot and cold water available	X						
K22	Sewage and wastewater properly disposed	X						
K23	No rodents, insects, birds, or animals	X						

GOOD RETAIL PRACTICES		OUT	COS
K24	Person in charge present and performing duties		
K25	Proper personal cleanliness and hair restraints		
K26	Approved thawing methods used; frozen food		
K27	Food separated and protected	X	
K28	Fruits and vegetables washed		
K29	Toxic substances properly identified, stored, used		
K30	Food storage: food storage containers identified		
K31	Consumer self service does prevent contamination		
K32	Food properly labeled and honestly presented		
K33	Nonfood contact surfaces clean		
K34	Warewash facilities: installed/maintained; test strips		
K35	Equipment, utensils: Approved, in good repair, adequate capacity	X	
K36	Equipment, utensils, linens: Proper storage and use	X	
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use	X	
K39	Thermometers provided, accurate		
K40	Wiping cloths: properly used, stored	X	
K41	Plumbing approved, installed, in good repair; proper backflow devices		
K42	Garbage & refuse properly disposed; facilities maintained		
K43	Toilet facilities: properly constructed, supplied, cleaned	X	
K44	Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing	X	
K45	Floor, walls, ceilings: built, maintained, clean		
K46	No unapproved private home/living/sleeping quarters		
K47	Signs posted; last inspection report available		

OFFICIAL INSPECTION REPORT

Facility FA0283737 - PHO KITCHEN		Site Address 5130 CHERRY AV 10, SAN JOSE, CA 95118	Inspection Date 07/11/2025
Program PR0425534 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11		Owner Name ACE CONCEPT CORP	Inspection Time 10:00 - 11:10
K48	Plan review		
K49	Permits available		
K58	Placard properly displayed/posted		

Comments and Observations

Major Violations

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: *Shrimp in preparation unit measured 62F, cooked pork measured 72 and tofu measured 67F. Ambient air of the preparation unit was 66F. Per PIC, something may have happened to the unit (unplugged). [CA] PHFs shall be held at 41°F or below or at 135°F or above. [COS] Items were VC&D by PIC.*

Inspector Observations: *Bean sprouts in water bowl on counter measured 70F. Per PIC, they were removed from refrigeration 1 hour prior to temperature measurement. [CA] PHFs shall be held at 41°F or below or at 135°F or above. [COS] Ice added to bowl to cool it down.*

Inspector Observations: *Vermicelli on counter measured 116F. Per PIC, it was cooked one hour prior. Per PIC, they leave it in the bowl and reheat in the microwave when ordered and discard after four hours. No time marking observed on container. [CA] PHFs shall be held at 41°F or below or at 135°F or above. [COS] Vermicelli time marked for four hours, TPHC form provided to PIC.*

Minor Violations

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: *Handwash sink by the three compartment sink was blocked with equipment and did not have paper towels. [CA] Single-use sanitary towels shall be provided in dispensers at all times during operation and handwash sink shall be clear and available for use at all times.*

K13 - 3 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

Inspector Observations: *Observed employee drink stored in ice in ice machine. [CA] Employee shall not store personal beverage in consumable ice.*

K14 - 3 Points - Food contact surfaces unclean and unsanitized; 113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115(a,b,d), 114117, 114125(b), 114141

Inspector Observations: *Observed cups stacked while the interior of the equipment was still wet after sanitizing. [CA] Equipment and utensils must be air dried or properly stored to facilitate drying after sanitizing.*

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

Inspector Observations: *Observed raw chicken stored next to cooked pork and noodles in the walk in fridge. [CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.*

K35 - 2 Points - Equipment, utensils - Unapproved, unclean, not in good repair, inadequate capacity; 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182

Inspector Observations: *Red ice chest in front preparation area is not approved for use. [CA] Food equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation).*

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

Inspector Observations: *Observed ice scoop stored on top of ice machine with no protection from contamination. [CA] Ensure that ice scoop is stored in secondary container on top of ice machine to prevent contamination from top of ice machine.*

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

OFFICIAL INSPECTION REPORT

Facility FA0283737 - PHO KITCHEN	Site Address 5130 CHERRY AV 10, SAN JOSE, CA 95118	Inspection Date 07/11/2025
Program PR0425534 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name ACE CONCEPT CORP	Inspection Time 10:00 - 11:10

Inspector Observations: Observed induction cooktop in use on wire shelving unit. [CA] Provide approved exhaust hood ventilation over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors.

Ventilation in the back restroom did not appear to be working. [CA] Restrooms shall have an openable screened window, an air shaft, or a light switch-activated exhaust fan, consistent with the requirements of local building codes.

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

Inspector Observations: Chlorine measured 0ppm in sanitizing bucket containing wiping towels. [CA] Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

Inspector Observations: Toilet paper was not provided in dispenser in the restroom but on top of the dispenser. [CA] Toilet tissue shall be provided in a permanently installed dispenser at each toilet.

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

Inspector Observations: Observed wet mop stored in mop bucket with soiled water. [CA] After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies. Ensure that mop water is discarded after use.

Performance-Based Inspection Questions

N/A

Measured Observations

Item	Location	Measurement	Comments
Vermicelli	On counter	116.00 Fahrenheit	
Noodles	Walk in fridge	41.00 Fahrenheit	
Cream	Cold holding insert	40.00 Fahrenheit	
Chicken	Reach in freezer	11.00 Fahrenheit	
Tofu	Preparation unit	67.00 Fahrenheit	
Rice	Hot holding	202.00 Fahrenheit	
Raw chicken	Walk in fridge	40.00 Fahrenheit	
Hot water	Three compartment sink	120.00 Fahrenheit	
Chlorine	Mechanical warewash	50.00 PPM	
Warm water	Restroom handwash	100.00 Fahrenheit	
Tofu	Under counter reach in	39.00 Fahrenheit	
Warm water	Handwash	100.00 Fahrenheit	
Beef	Cold holding insert	39.00 Fahrenheit	
Pork	Preparation unit	71.00 Fahrenheit	
Chlorine	Sanitizing bucket	0.00 PPM	
Milk	Reach in fridge	40.00 Fahrenheit	
Bean sprouts	Bowl with water on counter	70.00 Fahrenheit	
Noodles	Cold holding insert	39.00 Fahrenheit	
Raw chicken	Reach in freezer - outside	11.00 Fahrenheit	
Ambient air	Preparation unit	66.00 Fahrenheit	
Shrimp	Preparation unit	62.00 Fahrenheit	

Overall Comments:

When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **7/25/2025**. Any major change in menu or any change in ownership must have prior approval by this Department. This may require structural and/or equipment changes or remodeling to accommodate new operations.

OFFICIAL INSPECTION REPORT

Facility FA0283737 - PHO KITCHEN	Site Address 5130 CHERRY AV 10, SAN JOSE, CA 95118	Inspection Date 07/11/2025
Program PR0425534 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name ACE CONCEPT CORP	Inspection Time 10:00 - 11:10

Legend:

[CA]	Corrective Action
[COS]	Corrected on Site
[N]	Needs Improvement
[NA]	Not Applicable
[NO]	Not Observed
[PBI]	Performance-based Inspection
[PHF]	Potentially Hazardous Food
[PIC]	Person in Charge
[PPM]	Part per Million
[S]	Satisfactory
[SA]	Suitable Alternative
[TPHC]	Time as a Public Health Control



Received By: Jenny Chau
Owner

Signed On: July 11, 2025