

# 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

|                                                                                 |  |                                                            |                                         |                                      |                                         |                                                                                                                                                                                  |  |  |                          |
|---------------------------------------------------------------------------------|--|------------------------------------------------------------|-----------------------------------------|--------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--------------------------|
| <b>Facility</b><br>FA0252570 - GRILL ON THE ALLEY                               |  | <b>Site Address</b><br>172 S MARKET ST, SAN JOSE, CA 95113 |                                         | <b>Inspection Date</b><br>10/02/2024 |                                         | <b>Placard Color &amp; Score</b><br><div style="font-size: 2em; font-weight: bold; color: red;">RED</div> <div style="font-size: 3em; font-weight: bold; color: black;">68</div> |  |  |                          |
| <b>Program</b><br>PR0303808 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17 |  |                                                            | <b>Owner Name</b><br>GRILL CONCEPTS INC |                                      | <b>Inspection Time</b><br>15:45 - 17:55 |                                                                                                                                                                                  |  |  |                          |
| <b>Inspected By</b><br>ALEXANDER ALFARO                                         |  | <b>Inspection Type</b><br>ROUTINE INSPECTION               |                                         | <b>Consent By</b><br>ALEX            |                                         |                                                                                                                                                                                  |  |  | <b>FSC</b> Not Available |

  

| 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  |       |       |        |     |     | S   |
| 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  |       |       |        |     |     | S   |
| K06                            | Adequate handwash facilities supplied, accessible                           |    |       | X     |        |     |     | S   |
| K07                            | Proper hot and cold holding temperatures                                    | 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                                                        |     |     |
| 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                    |     |     |
| K36                   | Equipment, utensils, linens: Proper storage and use                                 |     |     |
| K37                   | Vending machines                                                                    |     |     |
| K38                   | Adequate ventilation/lighting; designated areas, use                                |     |     |
| K39                   | Thermometers provided, accurate                                                     |     |     |
| K40                   | Wiping cloths: properly used, stored                                                |     | X   |
| K41                   | Plumbing approved, installed, in good repair; proper backflow devices               |     | X   |
| K42                   | Garbage & refuse properly disposed; facilities maintained                           |     |     |
| K43                   | Toilet facilities: properly constructed, supplied, cleaned                          |     |     |
| K44                   | Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing |     |     |
| K45                   | Floor, walls, ceilings: built, maintained, clean                                    |     | X   |
| K46                   | No unapproved private home/living/sleeping quarters                                 |     |     |
| K47                   | Signs posted; last inspection report available                                      | X   |     |

# OFFICIAL INSPECTION REPORT

|                                                                          |                                                     |                                  |
|--------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------|
| Facility<br>FA0252570 - GRILL ON THE ALLEY                               | Site Address<br>172 S MARKET ST, SAN JOSE, CA 95113 | Inspection Date<br>10/02/2024    |
| Program<br>PR0303808 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17 | Owner Name<br>GRILL CONCEPTS INC                    | Inspection Time<br>15:45 - 17:55 |
| K48 Plan review                                                          |                                                     |                                  |
| K49 Permits available                                                    |                                                     | X                                |
| K58 Placard properly displayed/posted                                    |                                                     |                                  |

## Comments and Observations

### Major Violations

K22 - 8 Points - Sewage and wastewater improperly disposed; 114197

#### Inspector Observations:

**1. MAJOR VIOLATION:** *In the back of house area, at the ware wash area, there is a flowing leak that has swamped the ware wash area, the hallway leading to the kitchen area, and the kitchen area.*

**2. MINOR VIOLATION: \*REPEAT VIOLATION\*:** *In the bar area, at the soda gun near the entrance of the bar, the soda gun drain line is in the 3 compartment sink.*

**[CA]** *Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.*

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

#### Inspector Observations:

**1. MAJOR VIOLATION:** *In the back of house area, at the ware wash area, there are numerous live cockroaches of all life stages. The cockroaches were observed walking around and in between the stainless steel flashing and the wall.*

**[CA]** *The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborage have been resolved. Please contact district specialist, Alexander Alfaro (alexander.alfaro@DEH.sccgov.org), or DEH main line at (408)918-3400.*

**2. MINOR VIOLATION:** *In the salad prep area and the bar area, numerous flies were found on the wall and ceilings.*

**[CA]** *Ensure to maintain the facility free of animals, pests, and vermin. Provide pest control as necessary.*

### Minor Violations

K01 - 3 Points - Inadequate demonstration of knowledge; food manager certification

#### Inspector Observations:

*There is no Food Safety Certificate available upon request.*

**[CA]** *Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.*

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

#### Inspector Observations:

**1.\*REPEAT VIOLATION\*:** *In the bar area, at the first hand wash station, there is an open container for paper towels.*

**2. In the restrooms, at the hand wash stations, there are open containers for paper towels. There are also dispensers with paper towels.**

**[CA]** *Single-use sanitary towels shall be provided in dispensers; heated-air hand drying device may be substituted for single-use towels.*

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

# OFFICIAL INSPECTION REPORT

|                                                                          |                                                     |                                  |
|--------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------|
| Facility<br>FA0252570 - GRILL ON THE ALLEY                               | Site Address<br>172 S MARKET ST, SAN JOSE, CA 95113 | Inspection Date<br>10/02/2024    |
| Program<br>PR0303808 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17 | Owner Name<br>GRILL CONCEPTS INC                    | Inspection Time<br>15:45 - 17:55 |

## Inspector Observations:

**\*REPEAT VIOLATION\***: *Wiping cloths were found on the prep counter of the salad prep area.*

**[CA]** *Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).*

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

## Inspector Observations:

*In the back of house area, at the ware wash area, there is a leak that is swamping the floor of the ware wash area and the kitchen area.*

**[CA]** *Ensure to repair the leak and maintain the plumbing in good repair.*

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

## Inspector Observations:

**1.** *In the back of house area, under the dish washer machine, the wall is deteriorated and lifting.*

**2.** *In the back of house area, above the walk in cooler for meat, there are several pieces of the wall missing.*

**[CA]** *Repair holes in structure and maintain in good repair to prevent pest harborage.*

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

## Inspector Observations:

*The Environmental Health permit is not posted in public view.*

**[CA]** *The health permit issued by this department shall be posted in a conspicuous place in the food facility.*

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

## Inspector Observations: --48 HOUR NOTICE--

*Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$2,450.00. Payment must be made immediately to DEH at the address at the top of this report or via our website at [www.Ehinfo.org](http://www.Ehinfo.org).*

*A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.*

*A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.*

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

| Item             | Location                 | Measurement      | Comments |
|------------------|--------------------------|------------------|----------|
| Ambient Air      | Walk in Cooler - Produce | 22.00 Fahrenheit |          |
| Salmon           | Upright Freezer          | 13.00 Fahrenheit |          |
| Casesar dressing | Walk in Cooler           | 28.00 Fahrenheit |          |
| Cheese           | Four Door Cooler         | 36.00 Fahrenheit |          |
| Shellfish        | Walk in Cooler - Meat    | 31.00 Fahrenheit |          |
| Shrimp           | Walk in Cooler - Meat    | 30.00 Fahrenheit |          |
| Milk             | Four Door Cooler         | 37.00 Fahrenheit |          |

# OFFICIAL INSPECTION REPORT

|                                                                          |                                                     |                                  |
|--------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------|
| Facility<br>FA0252570 - GRILL ON THE ALLEY                               | Site Address<br>172 S MARKET ST, SAN JOSE, CA 95113 | Inspection Date<br>10/02/2024    |
| Program<br>PR0303808 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17 | Owner Name<br>GRILL CONCEPTS INC                    | Inspection Time<br>15:45 - 17:55 |

## Overall Comments:

**Please contact district specialist, Alexander Alfaro (alexander.alfaro@deh.sccgov.org), or DEH main line at (408)918-3400 to schedule the follow up inspection. The first follow up inspection is free of charge. Any and all subsequent follow up inspections shall be charged at the approved hourly rate of \$298.00/hr, minimum of one hour, during normal business hours: Monday through Friday 7:30am to 4:30pm or \$645/hour minimum two hour during non business hours, and upon inspector availability.**

## CLOSURE / PERMIT SUSPENSION NOTICE

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 **10/16/2024**. 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.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

### 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:** Alexandra Gomez  
Hourly Manager/Admin Assistant

**Signed On:** October 02, 2024