

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 FA0257899 - SAN AGUS		Site Address 115 HAMILTON AV, PALO ALTO, CA 94301		Inspection Date 01/23/2025		Placard Color & Score GREEN 79		
Program PR0377473 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name LA VIGA CULINARY, INC		Inspection Time 14:10 - 16:20			
Inspected By TRAVIS KETCHU		Inspection Type ROUTINE INSPECTION		Consent By EDUARDO COC				FSC Luiz Rodarte 2/10/2029

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						
K06	Adequate handwash facilities supplied, accessible	X						S
K07	Proper hot and cold holding temperatures		X		X			
K08	Time as a public health control; procedures & records						X	
K09	Proper cooling methods			X	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	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		
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use		
K39	Thermometers provided, accurate		
K40	Wiping cloths: properly used, stored		
K41	Plumbing approved, installed, in good repair; proper backflow devices		
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		
K46	No unapproved private home/living/sleeping quarters		
K47	Signs posted; last inspection report available		

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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: Measured shrimp tempura batter at 52F within a double stacked container within the top portion of the 2 door prep fridge. PIC stated that the batter was placed within the unit from the walk in fridge 2 hours prior.

[CA] PHFs shall be held at 41°F or below or at 135°F or above. Discontinue the practice of double stacking containers within the top portion of the preparation refrigerators.

[COS] Tempura relocated to be cooled to and held at 41 F or below.

Minor Violations

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: Measured birria at 49 F and roasted salsa at 63 F within deep covered plastic containers in the walk in fridge. Cook stated that the birria was removed from cooking five hours prior and roasted salsa was cooked three hours prior.

[CA] After heating or hot holding, Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.

[COS] Birria and salsa placed uncovered within ice baths to facilitate rapid cooling.

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

Inspector Observations: Menu lacks a consumer advisory for the sale of raw fish (lime cured ceviche) dishes.

[CA] Provide a consumer disclosure and reminder for the sale of raw animal-derived foods.

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: Observed drain fly activity within the bar and three compartment warewashing areas.

[CA] Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies.

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 the use of the bar three compartment sink as an ice bin to store cut fruit and other drink garnishes.

[CA] Discontinue use of the three compartment sink to directly hold foods. Use dedicated ice well or containers.

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: Observed an unapproved tortilla roller/press stored within the kitchen. Machine lacks a sanitation listing.

[CA] Remove unapproved equipment. New and/or replacement 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).

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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Measured Observations

Item	Location	Measurement	Comments
cooked birria	walk in fridge	49.00 Fahrenheit	
chicken	warmer	139.00 Fahrenheit	
pico de gallo	prep fridge	38.00 Fahrenheit	
fish	walk in fridge	39.00 Fahrenheit	
roasted salsa	walk in fridge	60.00 Fahrenheit	
birria	warmer	152.00 Fahrenheit	
sliced tomatoes	prep fridge	38.00 Fahrenheit	
hot water	3 comp, prep sinks	120.00 Fahrenheit	
beans	warmer	147.00 Fahrenheit	
shrimp batter	open top prep fridge	53.00 Fahrenheit	
hot dog	2 drawer fridge	39.00 Fahrenheit	
raw beef	walk in fridge	41.00 Fahrenheit	
chlorine sanitizer	bar and kitchen warewashing machines	100.00 PPM	

Overall Comments:

Note:

Facilities permit expired on 6/30/2024 but permit dates didn't reset (listed as financially compliant)

Facility cooks and cools multiple items (meats, roasted salsas, etc.)

Permit will be upgraded to an RC3 - FP11. \$1,580.00 annually.

Billing will occur during the existing billing cycle.

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 **2/6/2025**. 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.

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: Eduardo Coc
Cook
Signed On: January 23, 2025