

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 FA0275272 - TOMATINA		Site Address 5245 PROSPECT RD, SAN JOSE, CA 95129		Inspection Date 07/01/2025		Placard Color & Score YELLOW 80		
Program PR0415997 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name NBR TOMATINA SAN JOSE, L		Inspection Time 14:45 - 16:30			
Inspected By DENNIS LY		Inspection Type ROUTINE INSPECTION		Consent By BRENDA				FSC Linda Galvin 6/27/26

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						S
K06	Adequate handwash facilities supplied, accessible		X		X			N
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						S
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	X	
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		
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		
K46	No unapproved private home/living/sleeping quarters		
K47	Signs posted; last inspection report available		

OFFICIAL INSPECTION REPORT

Facility FA0275272 - TOMATINA	Site Address 5245 PROSPECT RD, SAN JOSE, CA 95129	Inspection Date 07/01/2025
Program PR0415997 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name NBR TOMATINA SAN JOSE, LLC	Inspection Time 14:45 - 16:30
K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: *Lack of soap at the only handwash sink located in the back kitchen. [CA] All handwash sinks shall be able to provide warm water, soap, and single-use paper towels for employees to properly wash hands.*

[COS] Employee placed soap by the handwash sink.

Follow-up By
07/02/2025

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

Inspector Observations: *Meat ball and marinara sauce at the cook line was measured at improper hot holding temperatures. Meat ball measured at 111F and marinara sauce measured at 102F. [CA] Potentially hazardous foods when hot holding shall be held at or above 135F.*

[COS] Employee reheated the items.

Follow-up By
07/02/2025

Minor violation:

Potentially hazardous foods in the food prep unit insert was measured at improper cold holding temperatures. Cut tomatoes and salami measured at 48F. [CA] Potentially hazardous foods when cold holding shall be held at or below 41F.

Minor Violations

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: *Floor sinks at the bar and at the dishwasher are unclean with black grime-like substance. [CA] Clean and sanitize nonfood contact surfaces.*

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: *The floor sink at the bar, prep sink, and the dishwasher are slow draining. [CA] Repair plumbing issues and ensure proper drainage of liquid waste.*

Follow-up By
07/02/2025

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

OFFICIAL INSPECTION REPORT

Facility FA0275272 - TOMATINA	Site Address 5245 PROSPECT RD, SAN JOSE, CA 95129	Inspection Date 07/01/2025
Program PR0415997 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name NBR TOMATINA SAN JOSE, LLC	Inspection Time 14:45 - 16:30

Measured Observations

Item	Location	Measurement	Comments
Cheese	Food prep unit insert across from pizza oven	41.00 Fahrenheit	
Sausage	Food prep unit insert across from pizza oven	40.00 Fahrenheit	
Pasta	Walk-in cooler	41.00 Fahrenheit	
Marinara sauce	Cook top	102.00 Fahrenheit	
Meat ball	Cook top	111.00 Fahrenheit	
Meat balls	Walk-in cooler	39.00 Fahrenheit	
Raw shrimp	Drawer cooler of food prep unit	39.00 Fahrenheit	
Salami	Food prep unit insert	48.00 Fahrenheit	
Hot water	Handwash sinks	100.00 Fahrenheit	
Cheese	Walk-in cooler	41.00 Fahrenheit	
Pasta	Drawer cooler of food prep unit	41.00 Fahrenheit	
Pork	Walk-in cooler	36.00 Fahrenheit	
Hot water	Three compartment sink	120.00 Fahrenheit	
Pepperoni	Food prep unit insert across from pizza oven	40.00 Fahrenheit	
Pork	Drawer cooler of food prep unit	37.00 Fahrenheit	
Raw chicken	Drawer cooler of food prep unit	40.00 Fahrenheit	
Mussel	Food prep unit insert across from cook top	41.00 Fahrenheit	
Cut tomatoes	Food prep unit insert	48.00 Fahrenheit	
Vegetable soup	Food prep unit insert across from cook top	41.00 Fahrenheit	
Chicken wings	Drawer cooler of food prep unit	38.00 Fahrenheit	
Chlorine sanitizer	Dishwasher	100.00 PPM	
Quat sanitizer	Three compartment sink - bar	200.00 PPM	
Pork	Food prep unit insert across from cook top	38.00 Fahrenheit	
Beef	Drawer cooler of food prep unit	38.00 Fahrenheit	

Overall Comments:

At time of inspection, was notified by operator that facility had sewage back flow the previous night with floor sinks backing up and toilets not flushing. Affected areas has been cleaned and sanitized.

Water was ran through different sinks (handwash, three compartment, food preparation) including running the dishwasher multiple times. The floor sink at the bar, prep sink, and the dishwasher was slow draining, but no back-up or overflow in floor sinks was observed

Toilets in the restrooms was still flushing but slowly.

Operator states that a plumber is scheduled for the next morning to resolve the above issues.

A follow-up inspection will be conducted within the next 24 hours.

Facility shall self-close if back-flow occurs.

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 **7/15/2025**. 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 FA0275272 - TOMATINA	Site Address 5245 PROSPECT RD, SAN JOSE, CA 95129	Inspection Date 07/01/2025
Program PR0415997 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name NBR TOMATINA SAN JOSE, LLC	Inspection Time 14:45 - 16:30

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: brenda Richardson
Manager

Signed On: July 01, 2025