

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 FA0304985 - THE GELATO SHOP		Site Address 87 N SAN PEDRO ST 111, SAN JOSE, CA 95110		Inspection Date 11/20/2025		Placard Color & Score GREEN 83		
Program PR0447923 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			Owner Name THE GELATO SHOP LLC		Inspection Time 14:05 - 15:25			
Inspected By ALEXANDER ALFARO		Inspection Type ROUTINE INSPECTION		Consent By AVERY				FSC 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		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	X	
K31	Consumer self service does prevent contamination		
K32	Food properly labeled and honestly presented	X	
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	X	
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

K14 - 8 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, 14125(b), 114141

Inspector Observations:

Staff were observed dipping utensils in sanitizer for 1 second and then placing to air dry.

[CA] Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.

[COS] EH staff educated food handler on proper warewashing procedure. Warewashing sticker handout provided.

Minor Violations

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

Inspector Observations:

Repeat Violation: 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.

Failure to correct repeat violations will result in further enforcement from this department.

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations:

Facility has a chest freezer holding ice cream and macrons in the space of FA0269070, which is an inactivated space.

[CA] Food or food related equipment shall be stored in an approved fully enclosed food facility. Move the chest freezer to an approved food facility.

K32 - 2 Points - Food improperly labeled & not honestly presented: 114087, 114089, 114089.1(a, b), 114090, 114093.1

Inspector Observations:

Repeat Violation: Facility repackages macaroons and ice cream and has them available for self-service without proper labeling.

[CA] Food prepackaged in a food facility shall bear a label with the following:

- 1) Common name of the food.**
- 2) List of ingredients in descending order of predominance by weight.**
- 3) Quantity of contents.**
- 4) Name and place of business of the manufacturer, packer, or distributor.**

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

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Inspector Observations:

Ice cream scoops are dipped in the heated dipper well and then stored at ambient air in a container. Per staff the scoopers are rotated out.

[CA] Properly store utensils and equipment in a clean and sanitary manner. Store in use serving utensils in one of the following approved manners:

- 1) In the food with their handles above the top of the food and the container.**
- 2) In running water, under sufficient velocity to flush out particles.**
- 3) In a container of water at 135°F or above.**
- 4) At room temperature if washed within 4 hours of initial use.**

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
Quaternary Ammonia - Sanitizer	Three Compartment Sink	200.00 PPM	
Ice Cream	Upright Freezer	-4.00 Fahrenheit	
Water	Handwash Sink	100.00 Fahrenheit	
Ice Cream	Ice Cream Freezer	10.00 Fahrenheit	
Water	Three Compartment Sink	120.00 Fahrenheit	
Ice Cream	Chest Freezer	10.00 Fahrenheit	

Overall Comments:

Note:

- Facility stores dry goods at the approved remote storage across the street.**
- Reviewed latest pest control report dated for 11/18/2025. No evidence of vermin observed in this facility.**
- Recommend sealing side of wall with the exposed brick.**
- Recommend filling out the labels on the cages of remote storage area.**

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 **12/4/2025**. 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: Avery Fesagaiga
Gelatiere
Signed On: November 20, 2025