

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 FA0206428 - TOMATO THYME - HAMILTON		Site Address 1560 HAMILTON AV, SAN JOSE, CA 95125		Inspection Date 05/19/2025		Placard Color & Score GREEN 85		
Program PR0303524 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name SMITH, JOHN D		Inspection Time 11:40 - 13:00			
Inspected By TRAVIS KETCHU		Inspection Type ROUTINE INSPECTION		Consent By OLIVIA FROST				FSC Jose Cisneros 2/11/2030

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				
K07	Proper hot and cold holding temperatures		X		X			S
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		
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		X
K45	Floor, walls, ceilings: built, maintained, clean		X
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 whipped butter at 60 F stored at room temperature at the preparation line. Cook stated that the butter was whipped and removed from temperature control 1 hour prior.*

Measured white cream sauce at 89 F within a double stacked container at the counter top steam table. Cook stated the sauce was removed from cooking 30 minutes 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 steam table.

[COS] Whipped butter time marked with a discard time at during the inspection. Facility intends to utilize TPHC time markings going forward.

White sauce reheated and placed directly into the steam table to be held at 135 F or above.

Minor Violations

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

Inspector Observations: *The warewashing area hand wash sink was blocked from use by the storage of a pan full of water.*

[CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.

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: *Personal drinks and other effects stored directly next to pizza boxes and clean wares.*

[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.

Clutter and unused equipment stored behind the facility.

[CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.

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

Inspector Observations: *The exterior dry storage/ ice machine room is not fully enclosed at all times. The area lacks approved floors, wall and ceiling surfaces.*

[CA] The floor, wall and ceiling surfaces shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable. Repair upright freezer ventilation so that doors to the storage room can be kept closed.

Broken cove base floor tiles adjacent to the warewashing machine.

[CA] Replace broken floor tiles with a smooth and of durable construction and nonabsorbent material that is easily cleanable.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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Measured Observations

Item	Location	Measurement	Comments
cut tomato	prep fridge	39.00 Fahrenheit	
chlorine sanitizer	warewashing machine	100.00 PPM	
hot water	3 comp, prep, mop sinks	120.00 Fahrenheit	
raw steak	under grill fridge	39.00 Fahrenheit	
cheese	pizza prep fridge	39.00 Fahrenheit	
whipped butter	prep counter	60.00 Fahrenheit	
clams	prep fridge	37.00 Fahrenheit	
cooked red sauce	walk in fridge	38.00 Fahrenheit	
cream	bar reach in fridge	39.00 Fahrenheit	
warm water	bar, ware wash and restroom hand wash sinks	100.00 Fahrenheit	
white cream sauce	steam insert	89.00 Fahrenheit	
mashed potatoes	steam insert	150.00 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 **6/2/2025**. 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: Olivia Frost
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Signed On: May 19, 2025