

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 FA0208282 - EL CIELO BAR & GRILL		Site Address 2650 ALUM ROCK AV, SAN JOSE, CA 95116		Inspection Date 03/20/2026	
Program PR0307613 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name MARTINEZ POLANIAS, MART		Inspection Time 13:50 - 16:10
Inspected By ALEXANDER ALFARO	Inspection Type ROUTINE INSPECTION		Consent By DORIAN	FSC Jised Martinez 11/13/2027	

Placard Color & Score
RED
38

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		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						
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		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	X	
K27 Food separated and protected	X	
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		
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	X	
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	X	
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available	X	

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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:

The only handwash sink in the kitchen area was blocked off.

Follow-up By
03/27/2026

[CA] Ensure to maintain the handwash sink fully stocked with soap and paper towels. Keep unobstructed and easily accessible.

[COS] PIC removed the obstructions.

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

Inspector Observations:

1. Rice stored on the counter measured between 120-130F.

2. Ground beef in a pan stored on a shelf above the range measured at 99F.

3. Beef soup measured at 120F on the range with the flame off.

4. Eggs in the upright one door cooler measured at 48F. Per PIC they had been there since the day before.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

[COS] 1. Rice was reheated to 165F on the griddle.

[COS] 2. Ground beef was transferred to a metal hotel pan to cool.

[COS] 3. Soup was transferred to a cambro to cool .

[COS] 4. Eggs were discarded.

K13 - 8 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

Inspector Observations:

Staff used an unsanitized blender to blend a smoothie for customers.

Follow-up By
03/27/2026

[CA] No employee shall commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils.

[COS] While blender was running EH inspector informed kitchen staff of blender not being properly sanitized as there was no chlorine solution made and the dishwasher was in disrepair. Kitchen staff discarded the smoothie. PIC sanitized the blender cup.

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:

1. Dishwasher measured at 0 PPM while actively warewashing. Staff took one of the bowls to serve food prior to EH inspector verifying concentration of sanitizer solution.

Follow-up By
03/27/2026

[CA] Maintain chlorine in mechanical warewash machine at 50 PPM.

[SA] Staff to manually wash, rinse, and sanitize dishes.

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2. Staff were observed skipping the sanitizing step of warewashing manually.

[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.

[CA] Maintain chlorine in mechanical warewash machine at 50 PPM.

[COS] PIC set up a chlorine solution at 100 PPM to sanitize the dishes.

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

Inspector Observations:

1. Observed Vermin: Documented in the following areas:

- Live cockroaches of all life stages were observed in the condenser area of the non ANSI upright white freezer.
- Live cockroaches of all life stages were observed near electrical conduit by the dry storage area near the bar.
- Dead cockroaches were observed behind clear tape holding a poster in the kitchen.
- Dead cockroaches were observed in the ceiling above the heat lamp for to go orders.
- A dead cockroach was observed near a hole in the cove base by the undercounter dishwasher.

2. Photographs: Taken for documentation purposes.

3. Supervisor Notified: Anjani S.

4. Notification: The person in charge during inspection, Dorian, has been informed that the facility must close immediately.

[CA]: The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.

Requirements Before Reopening:

- 1. Email the signed and completed Reopening Checklist to the assigned inspector.**
- 2. Submit a copy of the pest control report from a licensed provider.**

Minor Violations

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

Inspector Observations:

Food handler cards for staff are unavailable.

[CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.

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

Follow-up By 03/23/2026

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Inspector Observations:

Facility's menu lacks a consumer advisory and warning for menu items served raw or undercooked.

[CA] Ensure to provide both a disclosure and reminder for undercooked or raw foods.

Disclosure means a written statement that clearly includes either of the following:

(1) A description of the animal-derived foods, such as "oysters on the half shell (raw oysters)," "raw-egg Caesar salad," and "hamburgers (can be cooked to order)."

(2) Identification of the animal-derived foods marked by an asterisk denoting a footnote that states that the items are served raw or undercooked, or contain or may contain raw or undercooked ingredients.

(c) "Reminder" means a written statement that identifies the animal-derived foods by an asterisk that denotes a footnote that includes either of the following disclosure statements:

(1) Written information regarding the safety of these food items is available upon request.

(2) Consuming raw or undercooked meats, poultry, seafood, shellfish, or EGGs may increase your risk of foodborne illness, especially if you have certain medical conditions.

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

Inspector Observations:

1. Facility was thawing foods in the prep sink at ambient temperatures.

2. Facility was thawing foods on the drainboard of the three compartment sink.

[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.

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:

Raw eggs were found stored above produce in the one door upright cooler.

[CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.

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

Inspector Observations:

Food was found stored on the floor in the kitchen area.

[CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

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

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Inspector Observations:

Facility has several non ANSI accredited equipment:

- 1x one door upright freezer
- 1x ninja slushie machine
- 1x vevor slushie machine

[CA] 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).

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

Inspector Observations:

The ceiling tiles around the exhaust hood and the filters have an accumulation of grease.

[CA] Ventilation hood filters shall be maintained clean and good repair.

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 three compartment sink faucet leaks from the handle.

[CA] Repair plumbing fixture and maintain in clean and 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. The floors under the cookline equipment have an accumulation of grease and grime.**
- 2. The wall by the heat lamp for to go orders has the FRP peeling.**
- 3. The cove base near the dishwasher is in disrepair.**

[CA] Ensure to maintain the floors, walls, and ceilings of the facility clean and in good repair.

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

Inspector Observations:

The restrooms lack handwash reminder signs for staff.

[CA] A sign or poster that notifies food employees to wash their hands shall be posted at all handwashing stations used by food employees.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Beverages	Upright Cooler	38.00 Fahrenheit	
Fries	Cooler	39.00 Fahrenheit	
Carne Asada	Flat Grill	138.00 Fahrenheit	
Chicken	Final Cook	170.00 Fahrenheit	
Chlorine - Sanitizer	Dishwasher	0.00 PPM	
Fish	Final Cook	160.00 Fahrenheit	
Rice	Counter	120.00 Fahrenheit	
Water	Handwash Sink - Kitchen	100.00 Fahrenheit	
Water	Three Compartment Sink	120.00 Fahrenheit	
Chlorine - Sanitizer	Three Compartment Sink	100.00 PPM	

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Overall Comments:

- Facility is hereby closed due to evidence of a vermin infestation.

- Facility shall:

* Provide pest control report from a licensed pest control company that indicates the type of control measures taken and that the facility has been treated.

* Eradicate all live and dead rodents and insects from the facility.

* Clean and sanitize the affected area(s) and equipment.

* Dispose of all food items that have been adulterated/contaminated.

* Seal holes (e.g. in walls and ceilings, repair coved base), and entryways (e.g. weather-stripping around doors); keep exterior doors closed; screen openable windows.

* Eliminate harborage inside and outside of the facility - remove unused/cast-off equipment, contributory vegetation, etc.)

* Eliminate food and water sources inside and outside the facility.

* Properly store items (e.g. at least 6 inches above floor in sealed rodent-proof/insect-proof containers; organize overly packed and disorganized storage areas).

* Properly store and dispose of garbage and other waste (e.g. bagged wastes, keep dumpster lids closed, frequent removal).

** Please note that pest control treatments for rodents or insects may require a sufficient amount of contact time for these to be effective. Consult with pest control company for guidelines on eliminating harborage, entryways, and food/water sources.

- Subsequent follow-up inspection shall be billed at \$298/hour, minimum one hour, during normal business hour, Monday - Friday

7:30 AM to 4:30 PM, and \$645 for a minimum of two hours, during non-business hours, and upon inspector availability.

- The bar area lacks approved finishes and a handwash station. Further evaluation required.

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 **4/3/2026**. 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: Dorian
Manager

Signed On: March 20, 2026