

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 FA0210255 - LA PENITA RESTAURANT		Site Address 601 S 1ST ST, SAN JOSE, CA 95113		Inspection Date 12/03/2025		Placard Color & Score GREEN 90		
Program PR0304205 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name DURAN, ROSA		Inspection Time 11:30 - 12:43			
Inspected By ANABELLE GARCIA		Inspection Type ROUTINE INSPECTION		Consent By EFRAIN JAVIER ESCALANTE				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						
K06	Adequate handwash facilities supplied, accessible			X				
K07	Proper hot and cold holding temperatures	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		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		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

No major violations were observed during this inspection.

Minor Violations

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

Inspector Observations: Food safety manager certificate not available for review. Employee food handler certificates not available for review.

[CA] At least one person in the facility shall maintain a food safety manager certificate. Food handlers shall maintain a valid food handler certificate. Ensure food safety manager certificates and food handler certificates are available for review at all times.

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

Inspector Observations:

1) No paper towel dispenser available in the preparation area.

**Follow-up By
01/05/2026**

[CA] Ensure paper towels are stored in a dispenser at all times to prevent contamination.

2) No hand sink available in the kitchen/preparation area. Bar hand sink not available. Per operator, no food items are handled in bar area. Further evaluation required.

[CA] Submit plans to our Plan Check Department by 1/5/25. Contact DEH Plan Check at (408)918-3400 or www.ehinfo.org to obtain plan check requirements.

Note: Plan check consultation hours are Monday- Friday: 730AM-10AM and afternoon by appointment only at address above.

K35 - 2 Points - Equipment, utensils - Unapproved, unclear, 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: Worn gasket observed on 2 door upright freezer door.

[CA] Replace gasket and maintain in good condition.

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

Inspector Observations: 1) Facility is lacking coved base in kitchen area, preparation area, and restroom.

**Follow-up By
01/05/2026**

2) Unapproved flooring observed in upstairs storage room (linoleum).

3) Sections of walls have exposed piping, are not easily cleanable, heavy staining observed on walls, tile/grout on walls.

4) Exposed piping on ceilings, not easily cleanable.

[CA] Submit plans to our Plan Check Department by 1/5/25. Contact DEH Plan Check at (408)918-3400 or www.ehinfo.org to obtain plan check requirements.

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Performance-Based Inspection Questions

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All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
water	restroom hand wash sink	100.00 Fahrenheit	
refried beans	steam table	165.00 Fahrenheit	
chlorine	sanitizer bucket	100.00 PPM	
raw beef	2 door upright freezer	12.00 Fahrenheit	IR
salsa	bar 3 sliding door cooler	35.00 Fahrenheit	IR
water	prep sink	120.00 Fahrenheit	
water	3 comp sink	120.00 Fahrenheit	
red sauce	2 door upright cooler	41.00 Fahrenheit	
rice	steam table	177.00 Fahrenheit	
shredded chicken	steam table	148.00 Fahrenheit	
water	janitorial sink	120.00 Fahrenheit	
pozole	2 door upright cooler	40.00 Fahrenheit	
horchata	bar 3 sliding door beverage cooler	33.00 Fahrenheit	

Overall Comments:

OWNERSHIP CHANGE INFORMATION

NEW OWNER: Efrain Javier Escalante

FACILITY NAME: La Penita San Jose

The applicant has completed the change of ownership application process for an Environmental Health Permit.

The permit category for this facility is FP11. An invoice for the permit fee in the amount of \$1,975.00 (\$1,580.00 plus 25% penalty fee- \$395.00) will be mailed to the billing address on the application. Payment must be submitted within 10 days of receipt of the invoice. The owner is responsible for contacting our department if an invoice is not received and remit payment within 30 days.

The Environmental Health Permit will be effective: 01/01/2026 - 12/31/2026. This report serves as a temporary permit; however, the permit will be deemed invalid if the permit fee is not paid in full within 30 days from the date of this report.

Okay to Operate.

Post permit in public view.

Structural Review inspection conducted on 12/03/2025

Prior to the installation of any new equipment, submittal is required to Plan Check.

Plan check consultation hours are Monday – Friday: 730AM-10AM and afternoon by appointment only at address above.

Additional information on Plan Check Program is available at <http://www.ehinfo.org/>

Any installation of new equipment, without prior notification to district specialist/Plan Check is subject to impound. Unapproved equipment will not be allowed for use.

**Obtain food safety manager certificate within 60 days. All other food employees must have valid food handler cards within 30 days from hire date. Food Safety Manager Certificate and Food Handler cards shall be available for review.*

Facility shall notify district specialist should there be a change of number of employees or change in menu. District specialist shall be notified prior to the addition, replacement, or removal of any equipment.

Facility is recommended to have professional pest control services.

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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 **12/17/2025**. 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

B. De Avila

Received By: Bertha De Avila
PIC
Signed On: December 03, 2025