

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 10/22/2026		Placard Color & Score GREEN 85		
Program PR0415997 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name NBR TOMATINA SAN JOSE LI		Inspection Time 14:25 - 16:45			
Inspected By KAYTLEN SWANSON		Inspection Type ROUTINE INSPECTION		Consent By DAVID				FSC Rogelio Jacinto 7/5/2029

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification	X						S
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						
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				
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		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		

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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: The following foods were found to be out of temperature at the time of inspection:

Follow-up By
10/27/2026

Cooked chicken - 45F
Cooked salmon - 47F
Marinated tomatoes - 48F
Fresh Mozzarella - 54F
Diced tomatoes - 51F
Salami - 56F
Blue Cheese - 57F
Raw shrimp - 47F
Raw chicken - 44F
Cooked pastas - 46-49F
Cooked spinach - 45F
Cooked clams - 46F

Per PIC, all items had been in the prep units since the previous night.

[CA] Potentially hazardous foods not under TPHC shall be held cold at or below 41F or held hot at or above 135F.

[COS] PIC voluntarily discarded foods that were out of temperature. See VC&D.

Minor Violations

K14 - 3 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: Black mold-like growth inside soda gun nozzle near kitchen entrance. Per PIC, this unit is not used and employees only use the one in the bar. No direct contamination of food was observed.

[CA] Keep any surfaces that may come in contact with food or beverages for human consumption clean and sanitized.

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

Inspector Observations: Prep unit across from salad prep unit at kitchen entrance has surrounding puddle of water. PIC at time of inspection indicated that the unit may need repair and that the condensation is not draining into the floor sink. Upon inspection, all items stored inside the unit measured out of temperature.

Follow-up By
10/27/2026

[CA] Discontinue use of unit until repairs can be made and the unit is capable of holding potentially hazardous foods at 41F or below.

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: Drain from 3 compartment sink and hand wash sink in bar area extend into the floor sink

[CA] Drain lines must be at least 1" above the floor sink or at a height twice the diameter of the drain in order to prevent potential sewage backflow

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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Measured Observations

Item	Location	Measurement	Comments
Blue cheese	Prep counter across from salad station	57.00 Fahrenheit	
Cooked pasta	Speed rack in back kitchen	94.00 Fahrenheit	Cooling - 20 minutes
Diced tomato	Prep counter across from salad station	51.00 Fahrenheit	
Raw chicken	Prep drawer across from stove	44.00 Fahrenheit	
Salami	Prep counter across from salad station	56.00 Fahrenheit	
Mozzarella	Prep counter across from pizza oven	32.00 Fahrenheit	
Ambient	Under counter prep fridge at salad station	31.00 Fahrenheit	
Cooked pasta	Walk-in	41.00 Fahrenheit	
Raw Chicken	Walk-in	38.00 Fahrenheit	
Ambient	Under counter fridge in bar	37.00 Fahrenheit	
Cooked mushrooms	Prep fridge across from pizza oven	34.00 Fahrenheit	
Cooked salmon	Prep drawer across from salad station	47.00 Fahrenheit	
Marinated tomato	Prep drawer across from salad station	48.00 Fahrenheit	
Ranch dressing	Salad station prep counter	40.00 Fahrenheit	
Shredded mozzarella	Prep counter across from stove	34.00 Fahrenheit	
Ambient	Walk-in	37.00 Fahrenheit	
Hot water	Hand wash sink in prep area	100.00 Fahrenheit	
Sausage	Prep counter across from pizza oven	34.00 Fahrenheit	
Raw shrimp	Prep drawers across from stove	47.00 Fahrenheit	
Hot water	3 compartment sink	127.00 Fahrenheit	
Cooked spinach	Prep drawer across from stove	45.00 Fahrenheit	
Cooked pasta	Prep drawer across from stove	46.00 Fahrenheit	Pastas measured between 46F and 49F
Hummus	Salad station prep counter	31.00 Fahrenheit	
Quaternary ammonium sanitizer	Wiping cloth bucket in prep area	200.00 PPM	
Alfredo sauce	Prep counter across from stove	40.00 Fahrenheit	
Hot water	Hand wash sink in back prep area	103.00 Fahrenheit	
Hot water	Prep sink	129.00 Fahrenheit	
Pepperoni	Prep counter across from pizza oven	32.00 Fahrenheit	
Hot water	Hand wash sink in restrooms	100.00 Fahrenheit	
Hot water	Hand wash sink in bar	102.00 Fahrenheit	
Chlorine sanitizer	Mechanical dishwasher	50.00 PPM	
Chicken	Prep drawer across from salad station	45.00 Fahrenheit	
Fresh mozzarella	Prep drawer across from salad station	54.00 Fahrenheit	

Overall Comments:

- A follow-up inspection will be conducted to verify compliance of all major violations.

The first follow up inspection shall be free of charge. Any and all subsequent follow-up inspection shall be billed at \$290/hour, minimum one hour, during normal business hour, Monday - Friday 7:30 AM to 4:30 PM, and \$664 for a minimum of two hours, during non-business hours, and upon inspector availability

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 **11/5/2026**. 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.

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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: Linda
Manager
Signed On: October 22, 2026