

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 FA0211069 - 5 SPOT CHIVAS GRILL		Site Address 869 S 1ST ST, SAN JOSE, CA 95110		Inspection Date 02/02/2026		Placard Color & Score GREEN 86		
Program PR0306957 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name SILVA, DAVID		Inspection Time 14:00 - 15:40			
Inspected By ANABELLE GARCIA		Inspection Type ROUTINE INSPECTION		Consent By GUSTAVO SILVA				FSC Rosa Dura 11/09/2026

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						
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						
K08	Time as a public health control; procedures & records						X	
K09	Proper cooling methods	X						N
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	X	
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		X
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: Employee food handler certificates not available for review.

[CA] Food handlers shall maintain a valid food handler certificate. Ensure food handler certificates are readily available for review at all times.

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

Inspector Observations: Consumer advisory is missing a disclosure.

[CA] Provide a disclosure to identify raw or undercooked items on the menu.

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

Inspector Observations: Facility is lacking chlorine sanitizer test strips.

[CA] Test strips shall be provided to adequately measure the chlorine sanitizer concentration used during manual warewashing.

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: Inoperable True 3 door upright freezer in back area.

[CA] Repair or remove unit to prevent pest harborage.

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

Inspector Observations:

1) Multiple refrigeration units are lacking thermometers.

[CA] A thermometer +/- 2°F shall be provided and correctly located in each cold holding unit containing potentially hazardous foods. Place thermometer where it is easily visible while checking refrigerator temperature.

2) Facility is lacking a metal probe thermometer to measure internal food temperatures.

[CA] An accurate easily readable metal probe thermometer (accurate to +/- 2°F) that is designed to measure the temperature of thin masses shall be provided and readily available to accurately measure the temperatures of potentially hazardous foods.

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

Inspector Observations: Multiple large holes in walls of back room.

[CA] Repair holes in structure and maintain in good repair to prevent pest harborage.

Performance-Based Inspection Questions

Needs Improvement - Proper cooling methods.

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Measured Observations

Item	Location	Measurement	Comments
water	prep sink	120.00 Fahrenheit	
ambient	2 door upright cooler 2	40.00 Fahrenheit	
water	hand wash sinks	100.00 Fahrenheit	
horchata	on ice	38.00 Fahrenheit	
tomatillo salsa	front 2 door prep cooler - insert	39.00 Fahrenheit	
raw shrimp	2 door upright cooler	39.00 Fahrenheit	
beef carne en su jugo	2 door upright cooler	52.00 Fahrenheit	cooling, 4 hours
red salsa	front 2 door prep cooler	38.00 Fahrenheit	
water	3 comp sink	120.00 Fahrenheit	
raw chorizo	2 door prep cooler - top insert	40.00 Fahrenheit	
potatoes	2 door under counter cooler	14.00 Fahrenheit	IR
raw shrimp	2 door upright freezer	12.00 Fahrenheit	IR
chorine	3 comp sink	100.00 PPM	
water	restroom hand wash sink	100.00 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 **2/16/2026**. 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.

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: Gustavo Silva
PIC
Signed On: February 02, 2026