

# 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 FA0275435 - 7319 - BURGERS + CHICKEN		Site Address 4900 MARIE P DEBARTOLO WY, SANTA CLARA, CA		Inspection Date 02/08/2026	
Program PR0416275 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 2 - FP16			Owner Name LEVY PREMIUM FOODSERVI		Inspection Time 13:40 - 15:00
Inspected By GABRIEL GONZALEZ	Inspection Type RISK FACTOR INSPECTION		Consent By LEVY TEAM	FSC Laurena J. 8/25/27	

Placard Color & Score
<b>GREEN</b>
<b>N/A</b>

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	X			
K07 Proper hot and cold holding temperatures		X		X			N
K08 Time as a public health control; procedures & records			X	X			N
K09 Proper cooling methods					X		
K10 Proper cooking time & temperatures	X						S
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		
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: 1. Chicken wings measured 115F-120F in fryer basket at frying station. Per employee, they were fried to 165F 10 minutes ago and will be put out for service soon. [CA] Hot hold 135F or above. [COS] Levy staff elected to discard the wings (~10 pieces).**

**2. Carne asada measured 125F-140F in water bath on griddle. Part of the bath was not on the griddle, and the water level in the bath was just at or slightly below the bottom of the inserts holding the asada. [CA] Hot hold 135F or above. [COS] Asada was reheated to 200F, water bath level increased.**

### Minor Violations

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

**Inspector Observations: Corner handsink paper towel dispenser is empty. [CA] Refill dispenser. [COS] Refilled.**

K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

**Inspector Observations: Improper and unclear use of TPHC for garlic slurry. Deep container (approximately 1/2 pan size, over half full) of garlic butter slurry sitting on ice is on the TPHC log for 10:00AM - 2:00PM and it is a few minutes past 2:00 PM. Measured slurry at 39F. Per employee, she logged the 10:00 AM start time while item was in the walk in fridge, but didn't take it out of the fridge. Another employee took the pan out at 11:00 AM and also stated he had changed the ice out at some point.**

**[CA] When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours.**

**[COS] Education was provided regarding the proper use of TPHC. Brenda Lindsay of Levy provided instruction to employees on their TPHC procedure and instructed the employee to discard the slurry, obtain a new one, and log appropriately. Inspector observed the empty slurry pan in 3 compartment sink shortly after.**

### Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.

Needs Improvement - Time as a public health control; procedures & records.

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## Measured Observations

Item	Location	Measurement	Comments
QUAT	SANIBUCKET	200.00 PPM	
PASTOR	WATER BATH GRIDDLE	140.00 Fahrenheit	
WATER	3 COMPARTMENT SINK	130.00 Fahrenheit	
CHEESE	2 DRAWER UNDER GRILL FRIDGE	40.00 Fahrenheit	
PICO DE GALLO	2 DOOR PREP FRIDGE	37.00 Fahrenheit	
GARLIC BUTTER SLURRY	WALK IN FRIDGE	38.00 Fahrenheit	
QUAT	3 COMPARTMENT SINK	200.00 PPM	
BEANS	WATER BATH GRIDDLE	165.00 Fahrenheit	
COOKED BRISKET	WALK IN FRIDGE	40.00 Fahrenheit	
CARNE ASADA	GRILL	157.00 Fahrenheit	FINAL COOK
CHICKEN TENDER	HOT HOLD BIN	170.00 Fahrenheit	
RICE	HOT BOX REACH IN FRIDGE	142.00 Fahrenheit	
PULLED PORK	HOT BOX REACH IN	155.00 Fahrenheit	
QUAT	SANIBUCKET	200.00 PPM	
MEAT PATTY	HOT BOX REACH IN	152.00 Fahrenheit	
COOKED RICE	WALK IN FRIDGE	40.00 Fahrenheit	
PASTOR	WALK IN FRIDGE	40.00 Fahrenheit	
SHREDDED CHEESE	2 DRAWER FRIDGE UNDER FRIES STATION	40.00 Fahrenheit	
BEEF	2 DOOR REACH IN HOT BOX	140.00 Fahrenheit	
RICE	WATER BATH GRIDDLE	150.00 Fahrenheit	
WATER	HANDSINK	105.00 Fahrenheit	
SHREDDED CHEESE	2 DRAWER FRIDGE UNDER COOKLINE	40.00 Fahrenheit	

## Overall Comments:

***A risk factor inspection is an inspection focusing on factors known to directly contribute to causing a foodborne illness. Structural issues and good retail practices are not assessed during this inspection.***

***An exit interview was conducted with the operator to address the inspection findings. The OIR was issued to e-mail address that was verified onsite.***

***Provided education on hot holding versus active preparation. Discussion on proper use of hot holding logs - start new line for new batch of food instead of crossing off temperatures taken at earlier times.***

***Prior green placard appears to have been wrapped over by Super Bowl decoration.***

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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 **2/22/2026**. 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

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### Received By:

**Signed On:** February 09, 2026

**Comment:** Report emailed - No signature obtained.