

# 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 FA0260937 - COUNTER. THE		Site Address 3055 OLIN AV 13040, SAN JOSE, CA 95128		Inspection Date 09/13/2022	
Program PR0382543 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name THE COUNTER SANTANA RC		Inspection Time 13:35 - 14:55
Inspected By DEEPA DILLIKAR	Inspection Type ROUTINE INSPECTION		Consent By NORMA - SUPERVISOR	FSC Richard Moore 3/9/25	

Placard Color & Score
<b>GREEN</b>
<b>89</b>

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						S
K04 Proper eating, tasting, drinking, tobacco use	X						S
K05 Hands clean, properly washed; gloves used properly	X						S
K06 Adequate handwash facilities supplied, accessible	X						S
K07 Proper hot and cold holding temperatures	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	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		
K36 Equipment, utensils, linens: Proper storage and use	X	
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		
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	X	
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

No major violations were observed during this inspection.

### Minor Violations

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations: Hot water at warewashing sink and prep sink measured at 110F and 111F at the time of inspection. [CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at hand wash sinks.**

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

**Inspector Observations: Observed food storage containers stored on the floor at the kitchen and walk in cooler area at the time of inspection. [CA] Food containers shall be stored at least 6 inches above the floor to prevent contamination.**

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

**Inspector Observations: Observed several soiled wet towel on food service counter and no sanitizing solution available. [CA] Store wiping cloths in sanitizing solution in between uses to keep cloths clean and uncontaminated. ( Chlorine – 100 ppm, Quat – 200ppm)**

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

**Inspector Observations: Missing hood filters at the kitchen hood. [CA] Replace missing hood filters. All hood ventilation filters shall be in place and in good repair.**

**Missing light cover at the warewashing area. [CA] Provide shatterproof light cover.**

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

**Inspector Observations: Observed employee personal items - jackets and bag stored at the warewashing area. [CA] No person shall store clothing or personal items in any area used for the storage and preparation of food or food contact surfaces. Employee's personal items (cell phone, car keys, and jackets) shall be stored in employee lockers or other designated areas for employee storage. Lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other possessions.**

### Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
warm water	hand sink - bar and kitchen area	102.00 Fahrenheit	
ice cream	walk in freezer	3.00 Fahrenheit	
tomato slices	prep cold unit	39.00 Fahrenheit	
Quat sanitizer	warewashing sink - kitchen and bar	200.00 PPM	
Hot water	warewashing sink	110.00 Fahrenheit	
cheese slices	prep cold unit	40.00 Fahrenheit	
cooked onion	hot holding unit	150.00 Fahrenheit	
raw meat patties	walk in cooler	36.00 Fahrenheit	
mac and cheese	hot holding unit	148.00 Fahrenheit	
Hot water	prep sink	111.00 Fahrenheit	
milk	reach in cold unit - bar	40.00 Fahrenheit	
Quat sanitizer	dishwasher	200.00 PPM	
cooked veggie patties	reach in cold drawer	40.00 Fahrenheit	
chipotle sauce	reach in cold unit	38.00 Fahrenheit	

## Overall Comments:

**Note - PIC agreed to fix the hot water violation by tomorrow and ensure Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at hand wash sinks.**

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 **9/27/2022**. 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:

<b>[CA]</b>	Corrective Action
<b>[COS]</b>	Corrected on Site
<b>[N]</b>	Needs Improvement
<b>[NA]</b>	Not Applicable
<b>[NO]</b>	Not Observed
<b>[PBI]</b>	Performance-based Inspection
<b>[PHF]</b>	Potentially Hazardous Food
<b>[PIC]</b>	Person in Charge
<b>[PPM]</b>	Part per Million
<b>[S]</b>	Satisfactory
<b>[SA]</b>	Suitable Alternative
<b>[TPHC]</b>	Time as a Public Health Control



**Received By:** Norma  
PIC

**Signed On:** September 13, 2022