

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 FA0254843 - TOGO'S EATERY		Site Address 2990 E CAPITOL EX 20, SAN JOSE, CA 95148		Inspection Date 02/22/2024	
Program PR0371979 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name UPON THE ROCK		Inspection Time 11:20 - 12:30
Inspected By GUILLERMO VAZQUEZ	Inspection Type ROUTINE INSPECTION	Consent By ASHA RANI	FSC Asha Rani 2/13/29		

Placard Color & Score
GREEN
89

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						
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						S
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						S
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	X	
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	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		X
K49 Permits available		
K58 Placard properly displayed/posted		

Comments and Observations

Major Violations

No major violations were observed during this inspection.

Minor Violations

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

Inspector Observations: 1. Hand wash station next to the cashier station is missing paper towels inside of dispenser at the time of inspection.

[CA] Hand wash station must be fully stocked at all times.

2. Restroom soap dispensers are not operational at the time of inspection.

[CA] Hand wash stations must be fully stocked at all times.

[SA] Hand pump soap are next to hand wash stations.

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: Dust build up on the fan guards of the walk in noted at the time of inspection.

[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

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: Kenmore reach in freezer (Not commercial) in the back of the facility.

[CA] New and/or replacement food equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation).

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: Meat slicer in the back of the facility no longer in use. Per PIC, they do not plan on using it anymore.

[CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.

K48 - 2 Points - Plan review unapproved; 114380

Inspector Observations: Facility has a new warming oven (Merrychef LTD. Serial Number 2211213091281).

[CA] A person proposing to build or remodel a food facility shall submit plans and specifications for review and shall receive plan approval prior to starting any new construction or remodeling. Contact DEH at 408-918-3400 or at www.ehinfo.org to obtain plan check requirements. Submit specification sheets to specialist for review. Failure to comply may result in enforcement action (impound of the equipment. Submit within 3-business days (2/27/24)

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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Measured Observations

Item	Location	Measurement	Comments
Sanitizer (Quats)	3-Compartment	200.00 PPM	
Warm water	Hand wash	100.00 Fahrenheit	
Cut tomato	Prep table	46.00 Fahrenheit	Tomatoes are under TPHC. Labels present.
Cut tomato	Under counter refrigeration (prep table)	39.00 Fahrenheit	
Pastrami	Microwave	193.00 Fahrenheit	Re-heated.
Meat balls	Hot holding (steam table)	167.00 Fahrenheit	
Soup	Hot holding (steam table)	164.00 Fahrenheit	
Ham	Prep table #2	39.00 Fahrenheit	
Sanitizer (Quats)	Sanitizer bucket	200.00 PPM	
Cheese	Prep table #2	39.00 Fahrenheit	
Turkey	Prep table #3	39.00 Fahrenheit	
Warm water	Restroom	100.00 Fahrenheit	
Cheese	Prep table	40.00 Fahrenheit	
Hot water	3-Compartment/Prep/Mop sink	120.00 Fahrenheit	
Cut tomato	Walk in	38.00 Fahrenheit	
Chicken	Prep table	39.00 Fahrenheit	

Overall Comments:

OWNERSHIP CHANGE INFORMATION

NEW FACILITY NAME: _____ TOGO'S _____

NEW OWNER: _____ RA VENTURES INC. _____

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

The permit category for this facility is FP_13___. An invoice for the permit fee in the amount of \$_1,119.00_ 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.

** A 25% penalty fee will added to invoice for not notifying this department with regards to the change of ownership within 10-business days.*

The Environmental Health Permit will be effective: _3 / 1 / 24_ - _2 / 28 / 25_ 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.

An official permit will be mailed to the address on file and shall be posted in public view upon receipt.

**Structural Review inspection conducted on _2 / 22 / 24_*

**Permit condition: _____ NONE _____*

**Obtain food safety manager certificate within 60 days. All other food employees must have valid food handler cards within 30 days from hire date.*

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 **3/7/2024**. 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: Asha Rani
Owner

Signed On: February 22, 2024