

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 FA0271044 - PHO 90 DEGREES		Site Address 999 STORY RD 9090, SAN JOSE, CA 95122		Inspection Date 10/31/2023	
Program PR0408946 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name BUI, NGOC		Inspection Time 12:00 - 13:10
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By KENNY	FSC Chau Huynh 07/22/2028	

Placard Color & Score
GREEN
78

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						
K03 No discharge from eyes, nose, mouth	X						
K04 Proper eating, tasting, drinking, tobacco use			X				N
K05 Hands clean, properly washed; gloves used properly	X						
K06 Adequate handwash facilities supplied, accessible	X						
K07 Proper hot and cold holding temperatures		X		X			N
K08 Time as a public health control; procedures & records					X		
K09 Proper cooling methods			X	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	X	
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		
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		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

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: Numerous PHF items maintained inside the refrigerated top inserts at the cook line stored above the load limit of the refrigerator. Items were measured between 41F at the bottom to 57F at the top.

Container of bean sprouts maintained out in ambient temperature measured at 59F. Numerous plates and bags of herbs containing bean sprouts maintained out in ambient temperature measured at 60F. Employee stated that items were prepared less than 30 minutes prior.

Two bags of vermicelli and bean sprouts maintained out in ambient temperature at the spring roll preparation table measured at 60F.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

[COS] Ice was added to the container of bean sprouts. Plates and to-go bags of herbs and bean sprouts were placed under TPHC and will be discarded after 4 hours. Bag of bean sprouts and vermicelli were relocated into preparation refrigerators to immediately cool.

Minor Violations

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

Inspector Observations: Employee's beverage stored on storage rack above opened food.

[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: Numerous bowls of PHF items stacked on top of the inserts of the food preparation refrigerator measured as follows:

- Cooked chicken meat - 79F.
- Cooked beef meatballs - 70F.
- Cooked shrimp and calamari - 68F.

Employee stated that items were prepared less than two hours prior, is cooling, but is heated prior to service.

[CA] Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F or below within 2 hours and from 70°F to 41°F or below within an additional 4 hours. Discontinue cooling items in the top inserts of the food preparation refrigerator. [COS] Items were relocated into the upright refrigerators to immediately cool.

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

Inspector Observations: Observed build up of grime on door handles and storage racks throughout the facility.

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

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 knives and cleavers stored wedged between food preparation tables and walls.

[CA] All cleaned utensils shall be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination, and at least six inches above the floor.

Observed scoop stored inside ice machine with handle in direct contact with ice.

[CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

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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: Employees' personal belongings stored in areas of food preparation, food storage, and/or food contact surfaces.

[CA] Employee's personal effects (cell phone, car keys, and jackets) shall be stored in employee lockers or other designated areas for employee storage. No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.

Observed gap below the screen door of the side door of the facility.

[CA] Eliminate gap greater than 1/4" to prevent the entrance and harborage of vermin.

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

Inspector Observations: Heavy accumulation of debris and/or food debris observed on floors, underneath cook line, refrigerators, and by the ware washing area. [CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.

Performance-Based Inspection Questions

- Needs Improvement - Proper cooling methods.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Proper eating, tasting, drinking, tobacco use.

Measured Observations

Item	Location	Measurement	Comments
Hot water	Three-compartment sink	121.00 Fahrenheit	
Cooked sliced beef brisket	Walk-in refrigerator	40.00 Fahrenheit	
Cooked whole chicken	Walk-in refrigerator	40.00 Fahrenheit	
Beef tripe	Food preparation refrigerator	41.00 Fahrenheit	
Cooked red beans	Two-door reach-in refrigerator	40.00 Fahrenheit	Com 90 bar
Cooked chicken	Food preparation refrigerator	41.00 Fahrenheit	
Warm water	Hand wash sink	102.00 Fahrenheit	
Sliced raw beef	Food preparation refrigerator	37.00 Fahrenheit	
Cooked sliced beef brisket	Food preparation refrigerator	39.00 Fahrenheit	
Warm water	Hand wash sink - restroom	107.00 Fahrenheit	
Cooked white beans	Two-door reach-in refrigerator	39.00 Fahrenheit	Com 90 bar
Pho bowl	Cook line	199.00 Fahrenheit	
Cooked coagulated pork blood	Food preparation refrigerator	40.00 Fahrenheit	
Cooked beef tendon	Walk-in refrigerator	39.00 Fahrenheit	
Raw beef	Walk-in refrigerator	40.00 Fahrenheit	

Overall Comments:

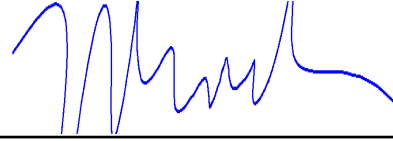
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **11/14/2023**. 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: Phuc T.
Manager

Signed On: October 31, 2023