

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 FA0212509 - BIRK'S RESTAURANT-MCCANDLESS		Site Address 3955 FREEDOM CL, SANTA CLARA, CA 95054		Inspection Date 07/30/2025		Placard Color & Score GREEN 85		
Program PR0304264 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17			Owner Name CLASSIC AMERICANA FOOD		Inspection Time 12:55 - 15:00			
Inspected By THAO HA		Inspection Type ROUTINE INSPECTION		Consent By MARY				FSC Mary Le 02/07/2030

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		
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		
K35	Equipment, utensils: Approved, in good repair, adequate capacity		
K36	Equipment, utensils, linens: Proper storage and use	X	X
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use		
K39	Thermometers provided, accurate		
K40	Wiping cloths: properly used, stored		X
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		
K48	Plan review		

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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: MAJOR:1. Prep-line cold top insert by salad area and under-counter portion held potentially hazardous foods above 41F (cherry tomatoes 54F, blue cheese 52F, dressing 53F). Per operator, PHF was placed into cooler less than two hours prior to inspection. Per PIC salad prep cooler was stocked within the last 1 hour.

MINOR2. 3-door under counter cooler in bakery holding potentially hazardous foods above 41F (milk46F, cheesecake 46F, half and half 45F). Per PIC, milk products were in cooler for more than 4 hours and cakes were in cooler for less than 4 hours.

[CA] Repair coolers so that PHFs are held at 41°F or below.

[COS].

- 1. PHFs were placed in an ice bath in cold-insert. PHFs in under counter cooler were placed back into the walk-in cooler.**
- 2. Milk and half and half were VC&D (see VC&D report). Cakes were placed into walk-in cooler.**

Minor Violations

K14 - 3 Points - Food contact surfaces unclean and unsanitized; 113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115(a,b,d), 114117, 14125(b), 114141

Inspector Observations: Potato slicer had visible accumulation of food residue. Per PIC, potato slicer is only used every 2 weeks and is cleaned before use. [CA] Food contact surfaces shall be kept free of build-up and food residue.

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: Ice scoop handle touching ice in bar area. [CA] Handle to ice scoop shall be stored so that it is not in direct contact with ice. [COS] Ice scoop was placed into designated holder.

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

Inspector Observations: Multiple wiping cloths stored on prep surfaces at prep-line. [CA] Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).

Performance-Based Inspection Questions

N/A

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Measured Observations

Item	Location	Measurement	Comments
cooked lobster	prep-line	41.00 Fahrenheit	
oyster	prep-line cooler	39.00 Fahrenheit	back kitchen
mayo	drawer cooler	39.00 Fahrenheit	front prep-line
chicken	cook-line	167.00 Fahrenheit	
clam chowder	hot holding	170.00 Fahrenheit	
hot water	prep sink	120.00 Fahrenheit	
hummus	prep-line	37.00 Fahrenheit	
fish	prep-line cooler	39.00 Fahrenheit	back kitchen
milk	bar fridge	41.00 Fahrenheit	
warm water	handwash sink	100.00 Fahrenheit	
chicken	walk-in	41.00 Fahrenheit	
quat	sanitizer bucket	200.00 PPM	
chlorine	dishwasher	50.00 PPM	
chlorine	dishwasher	50.00 PPM	bar
gravy	hot holding	155.00 Fahrenheit	
ham	drawer cooler	40.00 Fahrenheit	front prep-line
fruit puree	bar fridge	41.00 Fahrenheit	
steak	cook-line	167.00 Fahrenheit	
quat	sanitizer bucket	200.00 PPM	bar
chrimp	walk-in	41.00 Fahrenheit	
beef	walk-in	41.00 Fahrenheit	

Overall Comments:

Joint inspection and report written by Hayley Mentz

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 **8/13/2025**. 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: Mary Le
Executive Chef

Signed On: July 30, 2025