

# 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

|  |  |  |   |                                      |   |
|--|--|--|---|--------------------------------------|---|
| <b>Facility</b><br>FA0286052 - 360 RESTAURANT                                    |  | <b>Site Address</b><br>989 STORY RD 8000, SAN JOSE, CA 95122 |   | <b>Inspection Date</b><br>09/15/2022 |   |
| <b>Program</b><br>PR0428892 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14 |  |  | <b>Owner Name</b><br>RESTAURANT 360 LLC |                                      | <b>Inspection Time</b><br>12:45 - 14:25 |
| <b>Inspected By</b><br>HENRY LUU   | <b>Inspection Type</b><br>ROUTINE INSPECTION | <b>Consent By</b><br>MR. TANG                                | <b>FSC</b> Hoanh Bui<br>6/13/2023       |                                      |   |

|                                  |
|----------------------------------|
| <b>Placard Color &amp; Score</b> |
| <b>GREEN</b>                     |
| <b>73</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     |        |     |     |     |
| K05 Hands clean, properly washed; gloves used properly                          |    | X     |       | X      |     |     | N   |
| 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     |        |     |     | 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  | X   |     |
| 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 | 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

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

**Inspector Observations: Employee returning from break, washed hands with only water, and with gloves still donned on. [CA] Ensure employees are properly washing hands as required. Properly wash hands with soap, warm water and dry using single use paper towels as required. Gloves shall be removed prior to hand washing. [COS] Instructed employee to remove gloves and properly wash hands.**

### Minor Violations

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

**Inspector Observations: Employee's half eaten sandwich stored at front service counter where beverages are prepared. [CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.**

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

**Inspector Observations: Hand washing station across from the roasting ovens completely obstructed with hooks used to prepare roast duck and pork. The station was also heavily soiled with sauces and food debris. Hand washing station is provided on the other side of the wall where roasted duck, chicken, and pork items are butchered and served to customers. [CA] Handwashing facility shall be clean, unobstructed, and accessible at all times. A handwashing facility shall not be used for purposes other than handwashing.**

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Inspector Observations: Bowl of cooked vegetables maintained out in ambient temperature measured at 78F. Per employee, the vegetables were cooked approximately one hour before and is maintained out during the lunch rush.**

**Large colander of braised duck wings and duck legs maintained out in ambient temperature at the butcher station measured at 80F. Per employees, items were taken out from the refrigeration unit approximately one hour before. Item is supposed to be sold cold or at lukewarm temperature and that it is only offered once or twice per month.**

**[CA] PHFs shall be held at 41°F or below or at 135°F or above. [SA] Bowl of vegetables and braised duck wings were placed on TPHC.**

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

**Inspector Observations: Numerous plastic containers of soup actively cooling inside the walk-in refrigerator kept tightly covered. [CA] When cooling PHF's, food may be left uncovered or loosely covered to allow rapid cooling.**

K16 - 3 Points - Not in compliance with shell stock tags, condition; 114039-114039.5

**Inspector Observations: Shellstock tags for oysters, clams, and geoduck maintained commingled in folder. [CA] The identity of the source of shellstock that are sold or served shall be maintained for 90 calendar days from the dates of harvest by using an approved recordkeeping system that keeps the tags or labels in chronological order correlated to the date or dates the shellstock are sold or served.**

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

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**Inspector Observations: Rolling rack with hanging par-cooked roast duck and fully cooked roast pork commingled together.**

**Fully cooked roast pork maintained on the bottom of the three-compartment sink's left drainboard with raw duck hanging above.**

**[CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.**

**Employee observed preparing ready-to-eat roast pork on top of a large metal tray that was placed on top of the garbage can. [CA] Food utensil (i.e. cutting board, baking pan, platters) shall not be used on top of a trash can to prevent cross contamination. All food shall be separated and protected from possible contamination.**

**Multiple cases of raw duck maintained on floor during preparation. [CA] Food shall be stored at least 6 inches above the floor to prevent contamination.**

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' closed personal beverages, cell phones, medicine, stored on shelves directly above food preparation areas.**

**[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces. Personal care items (medication/vitamins) shall bear a legible manufacturer's label and stored in a designated storage area for personal items.**

## Performance-Based Inspection Questions

Needs Improvement - Proper cooling methods.

Needs Improvement - Hands clean/properly washed/gloves used properly.

## Measured Observations

| Item                       | Location               | Measurement       | Comments  |
|----------------------------|------------------------|-------------------|---|
| Cooked rice                | Rice cooker            | 158.00 Fahrenheit |   |
| Raw beef                   | Service line           | 41.00 Fahrenheit  | Top insert  |
| Raw shrimp                 | Service line           | 34.00 Fahrenheit  | Top insert  |
| Raw geoduck                | Walk-in refrigerator   | 40.00 Fahrenheit  |   |
| Raw chicken                | Service line           | 41.00 Fahrenheit  | Top insert  |
| Hot water                  | Two-compartment sink   | 121.00 Fahrenheit |   |
| Tofu                       | Service line           | 40.00 Fahrenheit  |   |
| Cooked chicken leg quarter | Walk-in refrigerator   | 39.00 Fahrenheit  |   |
| Raw oyster on half shell   | Walk-in refrigerator   | 37.00 Fahrenheit  |   |
| Raw clams                  | Walk-in refrigerator   | 38.00 Fahrenheit  |   |
| Roast pork                 | Rolling rack           | 183.00 Fahrenheit | Taken out from oven approximately 30 minutes prior. |
| Raw whole chicken          | Walk-in refrigerator   | 40.00 Fahrenheit  |   |
| Clay pot frog              | Walk-in refrigerator   | 39.00 Fahrenheit  |   |
| Chlorine sanitizer         | Mechanical ware wash   | 50.00 PPM         |   |
| Hot water                  | Three-compartment sink | 140.00 Fahrenheit |   |
| Cooked shrimp              | Service line           | 37.00 Fahrenheit  |   |
| Clay pot catfish           | Walk-in refrigerator   | 38.00 Fahrenheit  |   |
| Princess chicken           | Walk-in refrigerator   | 41.00 Fahrenheit  |   |

## Overall Comments:

**Discussed with owner regarding regulation for Chinese-style roast duck:**

**114425 - Exemption for Chinese-style roast duck:**

**- Roast duck that otherwise would be readily perishable shall be exempt from Section 113996 for a period not to exceed two hours, if the duck will subsequently be cooked at or above a temperature of 350F for at least 60 minutes.**

**114425(a) : Whole Chinese-style roast duck shall be exempt from Section 113996 for a period not to exceed four hours after the duck is prepared, if the methods used to prepare the food inhibit the growth of microorganisms that can cause food infections or food intoxications. Nothing in this section shall be construed to supersede any provisions of this part, except the provision specified in this section.**

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**114425(b) : For the purpose of this section, Chinese-style roast duck, shall include, but no limited to, Chinese-style barbecue duck, dry hung duck, and Peking duck. Chinese-style roast duck means duck which is prepared as follows:**

- The abdominal cavity is cleaned.
- The duck is marinated.
- The cavity is closed prior to cooking.
- The duck is roasted at a temperature of 350F or more for at least 60 minutes.

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 **9/29/2022**. 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:**

- [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:** James Wong  
Manager

**Signed On:** September 15, 2022