

# 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 FA0206909 - LOS ARCOS		Site Address 1705 TULLY RD, SAN JOSE, CA 95122		Inspection Date 10/09/2024	
Program PR0302401 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name LUIS GONZALEZ RODRIGUE		Inspection Time 14:25 - 16:00
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By LUIS (VIA PHONE)	FSC Not Available		

Placard Color & Score

**YELLOW**

**64**

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						S
K04 Proper eating, tasting, drinking, tobacco use	X						
K05 Hands clean, properly washed; gloves used properly	X						
K06 Adequate handwash facilities supplied, accessible		X		X			N
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		
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	X	
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	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	X	
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		
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

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations: The only hand wash station in the kitchen lacked paper towels.**

Follow-up By  
10/15/2024

**The only hand wash station in the employee's restroom lacked paper towels.**

**Hand wash stations in the new addition restrooms:**

- First restroom - lacked paper towels.
- Second restroom - hand soap dispenser inoperable. No alternative means for hand soap provided.
- Third restroom - hand soap dispenser inoperable. No alternative means for hand soap provided.

**[CA] Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers.**

**[COS] Paper towels and hand soap were provided.**

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

**Inspector Observations: All PHF items maintained inside the two-door merchandiser in the kitchen measured between 54F to 60F.**

Follow-up By  
10/15/2024

- 1 piece raw salmon - approximately quarter lb.
- Container of fried chicken wings - approximately 5-10 lbs.
- Container of raw chorizo - approximately 5 lbs.
- Raw shelled eggs - approximately 10 -15x.
- Small container of tobiko.
- ROP tuna - 1 pc.
- Container of bacon wrapped shrimp jalapeno - 5-10 lbs.
- Container of red soup with vegetables and meat - approximately 1 gallon.
- Container of cooked chicken in red sauce - approximately 1 gallon.
- Half block of ham.
- Container of sliced ham - approximately 5-10 lbs.
- Container of raw sliced beef - approximately 10bs.
- Container of raw t-bone steak - approximately 1 lb.
- Numerous containers of red and green salsa - approximately 2 gallons.

**Ambient temperature of the merchandiser refrigerator measured at 56F. Employee stated that all items have been inside the refrigerator since the day before.**

**Gallon of milk maintained inside the three-door beverage reach-in refrigerator measured at 53F. Ambient temperature of the refrigeration unit measured at 58F.**

**Cups of salsa maintained out in ambient temperature measured at 65F. Employee stated that salsa was brought out approximately 20 minutes prior. Ice was added to the tray of salsa cups to immediately cool, however, ice bath was inadequate. Medium sized plastic container of salsa was also placed in this ice bath. Ice water only reached up to 1-inch of the 5-inch container.**

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

**[COS] All PHF items were VC&D due to time and temperature abuse.**

### Minor Violations

K01 - 3 Points - Inadequate demonstration of knowledge; food manager certification

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**Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate unavailable for review. [CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.**

**Employees' three-year food handler cards unavailable for review.**

**[CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.**

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

**Inspector Observations: Menu contains numerous raw and or undercooked items. Menu and/or facility lacks consumer advisory and reminder statement.**

**- Sunny side up egg, sushi, raw oysters, ceviche.**

**[CA] Consumer advisory shall be provided on menus, brochures, deli case, label statements, table tents, placards, or other effective written means with a disclosure and reminder.**

**(1) Disclosure: clearly written statement that includes either a description of the animal-derived foods, such as "oysters on the half shell (raw oysters), or identification of animal derived foods marked by an asterisk (\*) directing to a footnote that items are served raw or undercooked, or contain raw or undercooked ingredients**

**(2) Reminder: clearly written statement that identifies animal-derived foods by asterik that marks a food note includes one of the following: "Written information regarding the safety of these food items is available upon request " or "Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase the risk of foodborne illness, especially if you have certain medical conditions.**

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

**Inspector Observations: Box of shrimp thawing in ambient temperature inside the two-compartment ware wash sink.**

**[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.**

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)

**Inspector Observations: Raw shelled eggs maintained above ready-to-eat food items inside the walk-in refrigerator.**

**[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.**

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

**Inspector Observations: Numerous opened bags of bulk ingredients maintained opened and/or closed by rolling the openings over.**

**[CA] Store open bulk foods in approved NSF containers with tight fitting lids.**

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: Ambient temperature of the two-door merchandiser in the kitchen measured at 56F.**

**Ambient temperature of the three-door beverage refrigerator measured at 58F.**

**[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.**

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

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**Inspector Observations:** *Observed cloth towels used to cover cooked pork belly and cooked rice (inside walk-in refrigerator).*

**[CA]** *Linen shall not be used in contact with food unless they are used to line a container for the service of foods and are replaced each time the container is refilled for a new consumer and laundered prior to reuse.*

**Employee stated that hands were washed at the two-compartment ware wash sink. Food preparation being conducted at the ware wash sink.**

**[CA]** *Utilize sinks for their designated purposes. Hands shall be washed at the hand wash sink. Food preparation shall be conducted at the food preparation sink.*

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

**Inspector Observations:** *Employee observed using deep fryer but did not turn on ventilation hood.*

**[CA]** *Mechanical exhaust ventilation shall be on while cooking is taking place.*

**Numerous light fixtures were inoperable.**

**[CA]** *In every room and area in which any food is prepared, manufactured, processed or prepackaged or in which equipment or utensils are cleaned, sufficient natural or artificial lighting shall be provided.*

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K48 - 2 Points - Plan review unapproved; 114380

**Inspector Observations:** *Facility has constructed extension of facility to include a storage space.*

**- Storage space lacks approved flooring, walls, and ceiling.**

**Facility has also constructed extension of building to include three new restrooms.**

**Owner has submitted plans on 5/3/2024, however, revision has been requested by this Division on 5/30/2024.**

**[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](http://www.ehinfo.org) to obtain plan check requirements.*

**\* NOTICE OF EXPIRATION OF PROJECT:** *If approval is not granted within 180 days from the date project was submitted, your application will expire by limitation and become null and void. Prior to expiration, an extension may be requested in writing, subject to a reactivation fee. This office will discard/destroy the submitted plans and application two years after this letter date if the project has not been approved in that time. Once plans are destroyed/discarded, no further option is available to reactivate the unapproved project – plans, fees, and supporting documentation must be re-submitted as a new project.*

## **Performance-Based Inspection Questions**

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Needs Improvement - Proper hot and cold holding temperatures.

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## Measured Observations

Item	Location	Measurement	Comments
Beans	Griddle	152.00 Fahrenheit	
Beans	Walk-in refrigerator	36.00 Fahrenheit	
Rice with vegetables	Walk-in refrigerator	39.00 Fahrenheit	
Rice	Rice cooker	144.00 Fahrenheit	
Diced tomatoes	Food preparation refrigerator	40.00 Fahrenheit	
Cooked pork	Food preparation refrigerator	41.00 Fahrenheit	
Hot water	Two-compartment sink	124.00 Fahrenheit	
Diced octopus	Food preparation refrigerator	38.00 Fahrenheit	
Raw fish	Food preparation refrigerator	40.00 Fahrenheit	
Raw beef	Food preparation refrigerator	40.00 Fahrenheit	
Rice	Griddle	155.00 Fahrenheit	
Raw shrimp	Food preparation refrigerator	39.00 Fahrenheit	
Cooked potatoes	Two-door food preparation refrigerator	40.00 Fahrenheit	
Cooked beef tongue	Walk-in refrigerator	40.00 Fahrenheit	
Beef soup	Walk-in refrigerator	40.00 Fahrenheit	
Soup with vegetables and meat	Walk-in refrigerator	39.00 Fahrenheit	
Cooked pork belly	Walk-in refrigerator	39.00 Fahrenheit	
Warm water	Hand wash sinks	100.00 Fahrenheit	

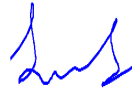
## Overall Comments:

- *Two or more major violations were observed during the routine inspection.*
- *A follow-up inspection will be conducted to verify compliance of all major violations.*
- *Subsequent follow-up inspection after first follow-up shall be billed \$298/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645/hour, minimum two hours, during non-business hours, and upon inspector availability.*
- *The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.*

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 **10/23/2024**. 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.

### 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: Luis  
Owner

Signed On: October 09, 2024