

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 FA0202180 - THE BYWATER		Site Address 532 N SANTA CRUZ AV, LOS GATOS, CA 95030		Inspection Date 02/25/2026		Placard Color & Score YELLOW 68		
Program PR0305578 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name THE BYWATER LLC		Inspection Time 12:10 - 13:45			
Inspected By PRINCESS LAGANA		Inspection Type ROUTINE INSPECTION		Consent By MATT WILLIAMS				FSC Not Available

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				N
K06	Adequate handwash facilities supplied, accessible			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						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		
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		X
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		
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: *REPEAT VIOLATION*

1. Multiple Potentially Hazardous Food in the 4 door under counter cooler at cook line measured between 51F - 55F. Per Chef, food items were placed into the unit approximately 2.5 hours prior to measurement. Ambient temperature of unit measured at 55F.

2. Oysters in insufficient ice bath measured between 47F - 51F. Oysters sitting on top of ice. Chef stated oysters were placed in ice bath approximately 20 minutes prior to measurement.

[CA]: Potentially Hazardous Food (PHFs) shall be cold held at 41F or below.

[SA]: PHFs in the 4 door under counter cooler were relocated to other cooling units. Oysters submerged in sufficient ice bath.

Follow-up By
03/04/2026

K13 - 8 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

Inspector Observations: At the indoor bar area, two bottles of alcohol (Chateau De Laubede and Jet Lagged Borliner) contained one small fly in each bottle.

[CA]: Food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health and shall be discarded immediately.

[COS]: Alcohol were voluntarily discarded.

Follow-up By
03/04/2026

Minor Violations

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

Inspector Observations: 1. Food safety manager certificate not provided on site.

[CA]: Provide proof of a valid food safety manager certification. Food facilities that prepare, handle, or serve non-prepackaged Potentially Hazardous Food shall have a valid food safety manager certificate available on site for review at all times.

2. Food handler training certificates not provided on site.

[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.

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: Employee washed hands at prep sink.

[CA]: Employee shall properly wash hands at designated hand sink at all times.

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

Inspector Observations: Hand sink at cook line was blocked by a large cutting board. Nearby hand sink available.

[CA]: All hand sinks shall be accessible at all times.

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

Inspector Observations: Shellstock tags not attached to shellstocks and were not properly identified. Shellstock tags available.

[CA]: Shellstock tags shall remain attached to the container in which the SHELLSTOCK are received until the container is empty.

Follow-up By
03/04/2026

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

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Inspector Observations: 1. Ambient temperature of 4 door under counter cooler at cook line measured at 55F.
[CA]: All cooling units shall be able to cold hold PHFs at 41F or below at all times. Discontinue use of unit for PHFs until it is properly working. Assess/adjust/repair unit as needed. *COMPLY BY DATE: 3/04/2026

Follow-up By
03/04/2026

2. Unapproved vacmaster observed. Manager stated it is not in use.
[CA]: Remove unapproved equipment.

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations: At the indoor bar area's 3 comp sink, the second and third compartment sinks were causing a leak in which water overflows onto floor. Available 3 comp sink at kitchen.
[CA]: 3 comp sink shall be in good repair.

Follow-up By
03/04/2026

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.
 Needs Improvement - Proper hot and cold holding temperatures.
 Needs Improvement - Hands clean/properly washed/gloves used properly.

Measured Observations

Item	Location	Measurement	Comments
ambient temp	bar cooler back	38.00 Fahrenheit	
pig intestine	2 door under counter cooler	41.00 Fahrenheit	
shrimp	prep line cooler 1	40.00 Fahrenheit	
chicken	deep fryer basket	172.00 Fahrenheit	
water	front hand sink	100.00 Fahrenheit	
lobster	4 door under counter cooler	51.00 Fahrenheit	raw chicken: 52F sausage: 52F shrimp: 54F raw burger: 55F
beans	walk in cooler	40.00 Fahrenheit	
mayo	ice bath	40.00 Fahrenheit	
water	prep sink	120.00 Fahrenheit	
whipped cream	2 door under counter cooler 2	41.00 Fahrenheit	
water	3 comp sink	120.00 Fahrenheit	
water	3 comp sink back bar	120.00 Fahrenheit	
raw shrimp	ice bath	41.00 Fahrenheit	
chlorine sanitizer	dish machine at bar	50.00 PPM	
ambient temp	bar cooler indoor	39.00 Fahrenheit	
sausage	walk in cooler	40.00 Fahrenheit	
macaroni	prep line cooler 2	40.00 Fahrenheit	
Quat sanitizer	3 comp sink	200.00 PPM	
pork	prep line cooler 2	38.00 Fahrenheit	
chlorine sanitizer	dish machine upright	100.00 PPM	
Quat sanitizer	front prep line sanitizer bucket	200.00 PPM	
mayo	prep line cooler 1	40.00 Fahrenheit	

Overall Comments:

A follow up inspection will be conducted by 03/04/2026 to verify compliance. The first follow up inspection is free of charge, any and all subsequent follow up inspections shall be charged at the approved hourly rate of \$282/hr, minimum of one hour.

Notes:

-Facility cooks and cools down gumbo, rice, beans, and meat stocks. Facility's permit to be upgraded to FP14.
-hot water temperature at indoor bar area not obtained due to leak.

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 **3/11/2026**. 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: Matt Williams
Manager

Signed On: February 25, 2026