

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 FA0211052 - MARISCOS COSTA ALEGRE		Site Address 855 N 13TH ST, SAN JOSE, CA 95112		Inspection Date 08/04/2025		Placard Color & Score <div style="background-color: yellow; padding: 10px; text-align: center;"> YELLOW 62 </div>		
Program PR0301275 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name HERNANDEZ, MARCO		Inspection Time 11:00 - 13:30			
Inspected By MINDY NGUYEN		Inspection Type ROUTINE INSPECTION		Consent By RICARDO				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						S
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						S
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				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	X	
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	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	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: 1) Inside the small prep unit in the rear storage area: measured internal temperature of shredded cheese to be 55F. PIC stated cheese had been stored inside since yesterday.

Follow-up By
08/21/2025

2) Inside the right refrigerator drawer under the cooking equipment: measured internal temperature of cooked chicken and raw beef to be 51F. PIC stated food had been stored since 9am (less than 2 hours prior).

3) Inside the prep inserts across from the cookline: measured internal temperatures of cheese, pico de gallo, and cooked fish to be 44-49F. PIC stated food had been held since 9am (less than 2 hours prior). Inside the reach-under area, measured internal temperature of cooked shrimp to be 56F (PIC stated shrimp had been cooked yesterday).

[CA] Keep potentially hazardous foods at 41F and below or 135F and above.

[COS] Foods held since yesterday were discarded (see VCD form). Other foods were moved to a different refrigerator.

REPEAT VIOLATION

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: Inside the walk-in refrigerator: measured internal temperature of cooked rice verde and cooked beans to be 85-90F. Employees stated rice had been cooked this morning at 6am, and beans were made yesterday and were left on the kitchen table overnight. The rice was stored in a thick layer inside a covered plastic tray, and the beans were inside a 20-quart plastic bucket.

Follow-up By
08/21/2025

[CA] Whenever food has been prepared or heated so that it becomes PHF, it shall be rapidly cooled:

- From 135°F to 70°F in 2 hours, AND
- From 70°F to 41°F in 4 hours

Potentially hazardous foods must be rapidly cooled using one or more of the following methods:

- Placing the food in shallow pans
- Separating the food into smaller or thinner portions
- Using rapid cooling equipment
- Using containers that facilitate heat transfer
- Adding ice as an ingredient
- Using ice paddles
- Inserting appropriately designed containers in an ice bath and stirring frequently

[SA] Foods were voluntarily discarded. See VCD form.

REPEAT VIOLATION

Minor Violations

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

Inspector Observations: A manager's food safety certificate was not available. Some employee food handler cards were expired.

[CA] Obtain valid food safety certificate(s) and food handler cards.

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

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Inspector Observations: *Observed two knives stored in a gap between the prep unit and the adjacent wall/equipment.*

[CA] Do not store knives in unapproved locations.

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

Inspector Observations: *Some shellstock tags were not stored in chronological order, particularly for July/June 2025.*

[CA] Store tags in chronological order.

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: *Observed approximately 15-20 flies, especially in the rear dry storage area.*

[CA] Keep facility clear of flies.

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

Inspector Observations: *Observed accumulation of food debris inside refrigerators/on refrigerator handles, etc.*

[CA] Keep surfaces clean.

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: *Observed tortillas were stored inside a cloth lunch bag.*

[CA] All equipment must be smooth, durable, and easily cleanable.

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

Inspector Observations: *Observed the ventilation hood filters were missing (PIC stated they were being cleaned) while employees were using cooking equipment.*

[CA] Hood filters must be in place whenever the hood is used.

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: *1) Observed employee belongings (purses, phone) stored among/above food storage shelves.*

[CA] Store personal belongings away from/below food.

2) Observed vertical gap under dry storage door was greater than 1/4 inch. Observed one rear door was propped open and side doors were left open during inspection.

[CA] Eliminate gaps and keep doors closed to prevent vermin entry.

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

Inspector Observations: *Observed several damaged tiles causing water puddles throughout the kitchen.*

[CA] Replace/repair tiles.

Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.

Needs Improvement - Proper cooling methods.

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Measured Observations

Item	Location	Measurement	Comments
COOKED RICE VERDE, BEANS	WALK-IN REFRIGERATOR	90.00 Fahrenheit	85 - 90F
CHIPOTLE SAUCE, VERDE SAUCE	ICE BATH	41.00 Fahrenheit	
COOKED SHRIMP	REACH-DOWN SECTION OF PREP UNIT	56.00 Fahrenheit	HELD SINCE YESTERDAY
CHEESE, PICO DE GALLO, COOKED FISH	PREP INSERTS, ACROSS FROM COOKLINE	44.00 Fahrenheit	44-49F, HELD LESS THAN 2 HOURS
RICE	RICE WARMER	160.00 Fahrenheit	
SHREDDED CHEESE	REAR SMALL PREP UNIT	55.00 Fahrenheit	HELD SINCE YESTERDAY
SUSHI RICE	PLASTIC CONTAINER	145.00 Fahrenheit	
HOT WATER	3-COMPARTMENT SINK	120.00 Fahrenheit	
OCTOPUS, MACARONI SALAD	PREP INSERTS, ACROSS FROM COOKLINE	41.00 Fahrenheit	
PASTA, COOKED MEAT	WALK-IN REFRIGERATOR	40.00 Fahrenheit	
WARM WATER	HANDSINKS, KITCHEN AND RESTROOM	100.00 Fahrenheit	
CALDO SOUP	WALK-IN REFRIGERATOR	40.00 Fahrenheit	
QUATERNARY AMMONIA	3-COMPARTMENT SINK	200.00 PPM	
SCALLOPS	PREP INSERTS, PREP UNIT CLOSER TO WALK-IN REFRIGERATOR	40.00 Fahrenheit	
COOKED CHICKEN, RAW BEEF	REFRIGERATOR DRAWER UNDER COOKLINE	51.00 Fahrenheit	HELD LESS THAN 2 HOURS
BEANS	HOT HOLDING	155.00 Fahrenheit	

Overall Comments:

Routine Inspection.

PIC stated facility will undergo remodeling in November, mostly flooring upgrades. Recommend consulting Plan Check for flooring materials/installation. Any other remodeling (equipment changes, etc) must be approved by Plan Check.

A follow up inspection will be conducted to assess the major violations listed above. The first follow-up is free of charge. Any additional follow-up inspection(s) shall each be billed \$298/hr during business hours. Failure to comply may result in enforcement action. Please call Mindy Nguyen at (408) 918-3490 if there are any changes or updates.

PIC stated they may purchase new refrigerators. Facility will call inspector when refrigerators have been replaced for the re-inspection.

Discussed TPHC (2nd time) for sushi rice. Note: if using Time as a Public Health Control for cooked sushi rice, the rice must be immediately time-marked as soon as it leaves temperature control.

Repeat violations may result in enforcement action, such as office hearings.

Due to technical difficulties, this report was emailed to the facility during the inspection.

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 **8/18/2025**. 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.

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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: Ricardo Hernandez
Manager
Signed On: August 04, 2025