

# 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 FA0209385 - LA COSTA		Site Address 4152 MONTEREY RD, SAN JOSE, CA 95129		Inspection Date 10/09/2023	
Program PR0300849 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name MARLIN CORPORATION		Inspection Time 15:00 - 16:45
Inspected By MARCELA MASRI	Inspection Type ROUTINE INSPECTION	Consent By MARICELA ARANA	FSC OSCAR T AVILA 6-7-24		

Placard Color & Score
<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						
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		X			S
K07 Proper hot and cold holding temperatures			X				S
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	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	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		
K39 Thermometers provided, accurate		X
K40 Wiping cloths: properly used, stored	X	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	X	
K45 Floor, walls, ceilings: built, maintained, clean		
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available	X	

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K48	Plan review	
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: FOUND NO PAPER TOWELS IN THE RESTROOM. [CA] PROVIDE PAPER TOWELS.**

### Minor Violations

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

**Inspector Observations: FOUND THE POTENTIALLY HAZARDOUS FOOD: CUT TOMATO, SOUR CREAM, CHEESE AT 45-47F IN THE SERVICE REFRIGERATOR ACROSS THE COOKING RANGE. [CA] KEEP COLD POTENTIALLY HAZARDOUS FOOD AT 41F OR BELOW. FOOD HAS BEEN PLACED IN WALK IN COOLER FOR LESS THAN 3 HRS. PER OPERATOR**

**FOUND THE RAW MEAT AT 49F, THE COOKED BEANS AT 48 AND THE CHEESE AT 48F STORED IN THE WALK IN COOLER. [CA] KEEP COLD POTENTIALLY HAZARDOUS FOOD AT 41F OR BELOW. FOOD HAS BEEN PLACED IN WALK IN COOLER FOR LESS THAN 3 HRS. PER OPERATOR**

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: FOUND A BLACK BAG LINING THE TRAY WITH RAW MEAT IN THE WALK IN COOLER. [CA] DO NOT USE PLASTIC BAGS/LINERS TO LINE THE TRAYS WITH FOOD.**

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

**Inspector Observations: FOUND A FEW TRAYS WITH MEAT STORED ON THE FLOOR IN THE WALK IN FREEZER. [CA] STORE FOOD 6 INCHES ABOVE THE FLOOR.**

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

**Inspector Observations: FOUND MOLD LIKE SUBSTANCE ON THE INSIDE OF THE ICE MACHINE. [CA] CLEAN AND SANITIZE THE ICE MACHINE MORE OFTEN. NOTE: IT IS NOT BEING USED TODAY, PER MANAGER.**

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: FOUND THE SERVICE REFRIGERATOR AND THE WALK IN COOLER UNABLE TO KEEP THE POTENTIALLY HAZARDOUS FOOD AT 41F OR BELOW. [CA] REPAIR/ADJUST THE REFRIGERATOR AND COOLER TO BE ABLE TO KEEP THE POTENTIALLY HAZARDOUS FOOD AT 41F OR BELOW.**

Follow-up By  
10/12/2023

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

**Inspector Observations: MISSING THERMOMETER FOR THE SERVICE REFRIGERATOR ACROSS THE COOKING RANGE. [CA] PROVIDE THERMOMETER.**

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

**Inspector Observations: FOUND A WIPING CLOTH STORED ON THE COUNTER BY THE SERVICE REFRIGERATOR. [CA] STORE WIPING CLOTHS IN A SANITIZER SOLUTION WHILE NOT IN USE. COS.**

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: FOUND THE MOP INSIDE THE BUCKET. [CA] HANG THE MOP TO AIR DRY.**

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

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**Inspector Observations:** *MISSING THE HAND WASH SIGN IN THE RESTROOM. [CA] PROVIDE THE HAND WASH SIGN. COS*

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

Item	Location	Measurement	Comments
CHICKEN	HOT HOLDING	146.00 Fahrenheit	
BEANS	WALK IN COOLER	48.00 Fahrenheit	
MEXICAN RICE	HOT HOLDING	145.00 Fahrenheit	
BEEF	WALK IN COOLER	49.00 Fahrenheit	
HOT WATER	3 COMPARTMENT SINK	120.00 Fahrenheit	
CHEESE	WALK IN COOLER	48.00 Fahrenheit	
BEEF	HOT HOLDING	145.00 Fahrenheit	
HOT WATER	HAND WASH SINK	100.00 Fahrenheit	
BEANS	WALK IN COOLER	48.00 Fahrenheit	
BIRRIA	REHEATING	175.00 Fahrenheit	

## Overall Comments:

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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 **10/23/2023**. 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:** PEDRO VICENTE  
MANAGER

**Signed On:** October 09, 2023