

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 03/12/2024	
Program PR0302401 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name LUIS GONZALEZ RODRIGUE		Inspection Time 13:15 - 15:25
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By JOHANA	FSC Not Available		

Placard Color & Score
RED
54

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
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					N
K06 Adequate handwash facilities supplied, accessible		X					N
K07 Proper hot and cold holding temperatures		X					
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		
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		
K45 Floor, walls, ceilings: built, maintained, clean		
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available	X	

OFFICIAL INSPECTION REPORT

Facility FA0206909 - LOS ARCOS	Site Address 1705 TULLY RD, SAN JOSE, CA 95122	Inspection Date 03/12/2024
Program PR0302401 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name LUIS GONZALEZ RODRIGUEZ	Inspection Time 13:15 - 15:25
K48	Plan review	X
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: Observed employee conducting food preparation switching gloves in-between handling raw food and cooked food, but failing to wash hands in-between. Facility also lacked hand soap.

Follow-up By
03/14/2024

[CA] Ensure employees are properly washing hands as required. Employees shall wash their hands in all of the following instances:

- (1) Immediately before engaging in food preparation, including working with non-prepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.
- (2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.
- (3) Immediately after using the toilet room and again when returning into the kitchen.
- (4) After caring for or handling any animal allowed in a food facility in pursuant to this part.
- (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.
- (6) After handling soiled equipment or utensils.
- (7) During food preparation as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.
- (8) When switching between working with raw food and working with ready-to-eat foods.
- (9) Before initially donning gloves for working with food.
- (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.
- (11) After engaging in other activities that contaminate the hands.

Properly wash hands with soap, warm water and dry using single use paper towels as required. Single-use gloves shall be removed prior to washing hands.

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 has been removed. The original observed two-compartment sink has been replaced with a three-compartment sink with dual integral drain boards. There is insufficient space in the kitchen for the hand sink with the new three-compartment sink, and thus, hand wash sink was removed.

Follow-up By
03/14/2024

[CA] All food facilities shall provide an operable handwashing station. Facility is required to reinstall hand wash station.

[SA] Facility may temporarily utilize the three-compartment sink to conduct hand washing, however has been given a comply-by date to submit proposed plans. Failure to submit plans and complete project in timely manner may result in facility closure and suspension of health permit.

***** Repeat violation.

Observed hand soap dispensers and paper towel dispensers located on the wall where the removed hand wash sink used to be. Dispensers lacked hand soap and paper towels. Facility has hand soap available, however, employee and manager do not have the key to access the soap dispenser. No manual pump bottle hand soap provided as an alternative.

Hand wash station in the only available restroom lacked hand soap.

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

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

Inspector Observations: Raw shelled eggs maintained out in ambient temperature measured at 70F. Large pot of soup broth maintained on the burner measured at 68F. Cups of salsa maintained in inadequate ice bath that has completely melted measured at 55F.

Follow-up By
03/14/2024

OFFICIAL INSPECTION REPORT

Facility FA0206909 - LOS ARCOS	Site Address 1705 TULLY RD, SAN JOSE, CA 95122	Inspection Date 03/12/2024
Program PR0302401 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name LUIS GONZALEZ RODRIGUEZ	Inspection Time 13:15 - 15:25

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

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: Cockroach activity observed at the food preparation refrigerator by the noodle soup preparation side:

- One nymph observed at the right side top hinge of the food.
- Two dead cockroach adults observed squished between the gasket behind the ride side door.

Follow-up By
03/14/2024

2+ live cockroach observed on the far left side of the top shelf between the wood beam and FRP wall above the three-compartment sink.

1+ live cockroach observed on the middle vertical support beam on the lower wall mounted shelf above the three-compartment sink.

Numerous cockroach egg sacs observed behind the FRP and stainless steel wall behind the microwave at the food preparation table.

Per owner, facility is serviced monthly. Last service was conducted on 2/22/2024. Pest control reports were unavailable for review.

[CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.

2+ live flies observed in the newly built storage area in the back of the kitchen.

[CA] Use any and all approved methods to abate live flies.

Minor Violations

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

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.

******* Repeat violation.**

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

OFFICIAL INSPECTION REPORT

Facility FA0206909 - LOS ARCOS	Site Address 1705 TULLY RD, SAN JOSE, CA 95122	Inspection Date 03/12/2024
Program PR0302401 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name LUIS GONZALEZ RODRIGUEZ	Inspection Time 13:15 - 15:25

Inspector Observations: Facility's menu includes raw oysters and other dishes containing raw seafood. Per owner, oysters are not offered for sale and was placed in menu.

Menu lacks consumer advisory and disclosure statement for items containing raw or undercooked protein products.

[CA] Provide consumer warning for the sale of raw or undercooked animal-derived foods.

(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: Raw shrimp and package of imitation crab thawing in buckets of standing water.

[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 on the shelf 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.

Numerous cases and bowls of food maintained directly on the floor inside the walk-in freezer.

[CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

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

Inspector Observations: Current health permit is not displayed in visible location.

[CA] The health permit issued by this department shall be posted in a conspicuous place in the food facility.

K48 - 2 Points - Plan review unapproved; 114380

Inspector Observations: Facility has installed and/or constructed the following without notifying DEH:

- Replaced original two-compartment ware wash sink with a three-compartment sink with dual integral drain boards. The only hand wash sink was removed due to insufficient space.
- Wooden enclosure with rooms built around a large tree for storage of food, ice machine, and equipment.
 - Storage area lacks approved floors, walls, and ceilings.
- New bathroom installed at the front of the dining room.

[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 to obtain plan check requirements.

***** Repeat violation

Follow-up By 03/26/2024

Performance-Based Inspection Questions

OFFICIAL INSPECTION REPORT

Facility FA0206909 - LOS ARCOS	Site Address 1705 TULLY RD, SAN JOSE, CA 95122	Inspection Date 03/12/2024
Program PR0302401 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name LUIS GONZALEZ RODRIGUEZ	Inspection Time 13:15 - 15:25

Needs Improvement - Adequate handwash facilities: supplied or accessible.
 Needs Improvement - Demonstration of knowledge; food manager certification.
 Needs Improvement - Hands clean/properly washed/gloves used properly.

Measured Observations

Item	Location	Measurement	Comments
Rice	Griddle	143.00 Fahrenheit	
Raw salmon	Merchandiser refrigerator	41.00 Fahrenheit	
Raw shrimp	Food preparation refrigerator	41.00 Fahrenheit	
Raw fish	Walk-in refrigerator	35.00 Fahrenheit	
Cooked beef	Griddle	159.00 Fahrenheit	
Diced tomato	Food preparation refrigerator	41.00 Fahrenheit	
Cooked shrimp	Walk-in refrigerator	40.00 Fahrenheit	
Raw shrimp with head and shell	Food preparation refrigerator	40.00 Fahrenheit	
Raw slices of beef	Food preparation refrigerator	40.00 Fahrenheit	Noodle soup side
Cooked shrimp	Food preparation refrigerator	40.00 Fahrenheit	
Cooked chicken	Walk-in refrigerator	41.00 Fahrenheit	
Birria	Walk-in refrigerator	40.00 Fahrenheit	
Soup	Walk-in refrigerator	41.00 Fahrenheit	
Cooked shrimp	Food preparation refrigerator	41.00 Fahrenheit	Noodle soup side
Raw beef	Walk-in refrigerator	40.00 Fahrenheit	
Raw beef	Food preparation refrigerator	41.00 Fahrenheit	
Beans	Griddle	135.00 Fahrenheit	
Raw fish	Food preparation refrigerator	40.00 Fahrenheit	
Hot water	Three-compartment sink	128.00 Fahrenheit	
Imitation crab	Food preparation refrigerator	32.00 Fahrenheit	Noodle soup side
Cooked chicken	Food preparation refrigerator	38.00 Fahrenheit	Noodle soup side

Overall Comments:

- **Facility is hereby closed due to the following:**
 - Lack of adequate hand washing facilities.
 - Presence of vermin.

- **Facility is to remain closed until vermin infestation has been completely abated (no live or dead cockroaches present at time of follow-up).**
 - Obtain treatment from licensed pest control service. Provide pest control report upon follow-up.

- **Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$629/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.**

- **A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.**

OFFICIAL INSPECTION REPORT

Facility FA0206909 - LOS ARCOS	Site Address 1705 TULLY RD, SAN JOSE, CA 95122	Inspection Date 03/12/2024
Program PR0302401 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name LUIS GONZALEZ RODRIGUEZ	Inspection Time 13:15 - 15:25

CLOSURE / PERMIT SUSPENSION NOTICE

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 **3/26/2024**. 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.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

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: March 12, 2024