

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 FA0255545 - RESTAURANT Y PUPUSERIA EL AGUILA		Site Address 1170 E SANTA CLARA ST 10, SAN JOSE, CA 95116		Inspection Date 10/13/2021	
Program PR0373211 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name RENE JUAREZ		Inspection Time 11:00 - 12:30
Inspected By OBBY SHEHADEH	Inspection Type ROUTINE INSPECTION		Consent By ROBERTO ROJO (PIC)	FSC Rhina Juarez 06/14/2022	

Placard Color & Score
GREEN
83

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification	X						S
K02 Communicable disease; reporting/restriction/exclusion	X						S
K03 No discharge from eyes, nose, mouth	X						S
K04 Proper eating, tasting, drinking, tobacco use	X						S
K05 Hands clean, properly washed; gloves used properly	X						S
K06 Adequate handwash facilities supplied, accessible	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				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				N
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	X	
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		
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

No major violations were observed during this inspection.

Minor Violations

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: Observed rice and beans actively cooling completely covered.
[CA] After heating or hot holding, Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.

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

Inspector Observations: Measured chlorine sanitizer at the dishwasher at 0ppm. Not currently in use. Facility currently closed. PIC called to have dishwasher serviced. [SA] PIC agreed to use manual warewashing methods in 3-compartment sink if warewashing is needed before service of dishwasher is completed.
[CA] Maintain chlorine in mechanical warewash machine at 50 PPM.

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

Inspector Observations: Shellstock tags not available. Confirmed oysters received from approved vendor. [CA] Shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty and shall be maintained for 90 calendar days from date of harvest.

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

Inspector Observations: Chlorine sanitizer test strips not available.
[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.

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, 114166, 114167, 114169, 114175, 114177, 114180, 114182

Inspector Observations: Ambient of 2-door cold-holding unit measured at 56 degrees F. Per PIC, unit not currently in use. Observed unit not in use.
[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.

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

Inspector Observations: 2 light bulbs not operational in ventilation hood.
[CA] Repair or replace light bulbs

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

Inspector Observations: Tiles broken at the base of the wall underneath the 3-compartment sink.
[CA] The juncture of the floor and wall shall be coved with a 3/8-inch minimum radius coving and shall extend up the wall at least 4 inches.

Performance-Based Inspection Questions

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Needs Improvement - Proper cooling methods.

Needs Improvement - Food contact surfaces clean, sanitized.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
warm water	handwash sinks	100.00 Fahrenheit	
raw beef	walk-in cooler	41.00 Fahrenheit	
rice	walk-in cooler	78.00 Fahrenheit	actively cooling.
ambient	2-door cold-holding unit	56.00 Fahrenheit	
raw beef	2-door freezer	-5.00 Fahrenheit	
chlorine sanitizer	dishwasher	50.00 PPM	
cooked beans	4-burner stove	206.00 Fahrenheit	
hot water	bar 4-compartment sink	120.00 Fahrenheit	
shrimp	cold-holding prep unit	39.00 Fahrenheit	
chicken	single-door refrigerator	40.00 Fahrenheit	
milk	bar cold-holding unit	35.00 Fahrenheit	
hot water	3-compartment sink	120.00 Fahrenheit	
salmon	2-door freezer	5.00 Fahrenheit	
beer	2-door beverage refrigerator	38.00 Fahrenheit	
cooked shrimp	walk-in cooler	41.00 Fahrenheit	

Overall Comments:

OWNERSHIP CHANGE INFORMATION

NEW OWNER: Alejandro Jesus Solorio

NEW FACILITY NAME: Botanero La Sirena Gorda Restaurant

The applicant has completed the application for an Environmental Health Permit.

FP11 \$1227.00 Invoice will be mailed.

Permit issued and valid: 10/01/2021 - 09/30/2022

This report serves as a temporary permit until the official permit is mailed to the facility.

Post permit in public view.

****Structural Review inspection conducted on 10/13/2021***

Okay to operate as of today.

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 **10/27/2021**. 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: Roberto Rojo
Manager

Signed On: October 13, 2021