

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 FA0212509 - BIRK'S RESTAURANT-MCCANDLESS		Site Address 3955 FREEDOM CL, SANTA CLARA, CA 95054		Inspection Date 01/07/2025		Placard Color & Score YELLOW 74		
Program PR0304264 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17			Owner Name CLASSIC AMERICANA FOOD		Inspection Time 14:00 - 16:00			
Inspected By THAO HA		Inspection Type ROUTINE INSPECTION		Consent By SAEED				FSC Mary Le 02/06/2025

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						
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						
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		
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		
K36	Equipment, utensils, linens: Proper storage and use	X	
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	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. On the preparation table at the front cookline, measured blue cheese and Caesar dressing at 47F. Per PIC, blue cheese and ranch dressing were placed in preparation table more than four hours prior to temperature measurement.

2. In the 2-door undercounter refrigeration in the front cookline, measured raw beef patty and beef bone at 57F. Per PIC, foods were stored overnight.

3. On the preparation table in the front cookline, measured bernaise sauce at 88F. Bernaise sauce was double stacked in its container. Per PIC, sauce was prepared 2 hours prior to temperature measurement.

[CA] Potentially Hazardous Foods (PHFs) shall be kept at 41F or below or 135F or above. Repair refrigeration to maintain PHFs at 41F and below.

[COS] 1. PIC discarded foods. See VC&D form.

2. PIC discarded foods. See VC&D form.

3. Bernaise shall be kept on TPHC. Facility shall have SOPs for TPHC and PHFs shall have time tracked. PHFs on TPHC may be kept for up to 4 hours for immediate service and then MUST be discarded at the end of 4 hours.

Follow-up By 01/09/2025

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

Inspector Observations: 1. In the kitchen, deep plastic container of tortilla soup in an ice bath measured at 110F. Per PIC, tortilla soup was prepared three hours prior to temperature measurement.

2. Deep plastic container of chicken soup in an ice bath measured at 120F. Per PIC, chicken soup was prepared 1 hour prior to temperature measurement.

[CA] Potentially hazardous foods (PHFs) shall be rapidly cooled from 135F to 71F in two hours, and 70F to 41F in four hours. Split soups into smaller containers to facilitate efficient cooling. Ensure soups are stirred frequently to evenly cool soups.

[COS] 1. PIC reheated the tortilla soup to 165F to restart the cooling process. Soup shall be placed into smaller containers and then into ice bath.

2. PIC separated the chicken soup into smaller containers and placed back into ice bath to facilitate cooling.

Follow-up By 01/09/2025

Minor Violations

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: In the walk-in cooler, observed raw chicken stored above milk containers. [CA] Raw foods of animal origin shall not be stored over ready-to-eat items.

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

Inspector Observations: Observed accumulation of grime and debris in the side storage area next to the front cook line. [CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

Inspector Observations: At the bar, observed tongs and strainer stored on the splash guard of the handwash sink. [CA] Store equipment and utensils away from sinks to prevent contamination.

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: In the storage area between the walk-in cooler and kitchen, observed door to the outside dumpster is not completely sealed shut. Observed gaps between the door and the wall. [CA] Seal all gaps. Food facility shall be fully enclosed to prevent pest harborage.

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

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Inspector Observations: *Observed missing panels in the ceiling throughout the kitchen and in the storage area between the walk-in cooler and kitchen. [CA] Repair holes in structure and maintain in good repair to prevent pest harborage.*

Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.
Needs Improvement - Proper cooling methods.

Measured Observations

Item	Location	Measurement	Comments
cut tomato	cook line prep 1	41.00 Fahrenheit	
Caesar dressing	cook line prep 1	47.00 Fahrenheit	VC&D
tortilla soup	preparation sink	110.00 Fahrenheit	Cooling
water	3-compartment sink	120.00 Fahrenheit	
raw chicken	walk-in cooler	38.00 Fahrenheit	
cut tomato	prep table (kitchen)	41.00 Fahrenheit	
cooked egg	2-door under counter	49.00 Fahrenheit	Per PIC, prepared 4 hours prior.
bernaise sauce	cook line prep 2	88.00 Fahrenheit	VC&D
milk	3-door under counter	40.00 Fahrenheit	
blue cheese	cook line prep 1	47.00 Fahrenheit	VC&D
water	handwash sink	100.00 Fahrenheit	
raw beef bone	under counter	57.00 Fahrenheit	VC&D
sanitizer (chlorine)	warewashing machine	50.00 PPM	
raw beef patty	under counter	57.00 Fahrenheit	VC&D
chicken soup	preparation sink	124.00 Fahrenheit	Cooling
cooked pasta	walk-in cooler	53.00 Fahrenheit	Per PIC, prepared 4 hours prior.

Overall Comments:

Reminder: *FSC expires within the next month. Ensure at least one employee maintains a valid FSC at all times.*

A follow-up inspection will be conducted on 1/9/2025. Subsequent follow-up inspections after the first follow-up shall be billed at \$298/hour during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645/hours during non-business hours, and upon inspector availability.

Joint inspection with Kathy Vo. Report written by Kathy Vo.

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 **1/21/2025**. 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.

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: Carlos Ramirez
Sous Chef
Signed On: January 07, 2025