

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 FA0230939 - THE CITY FISH 2		Site Address 21678 STEVENS CREEK BL, CUPERTINO, CA 95014		Inspection Date 08/30/2023	
Program PR0331058 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name THE CITY FISH		Inspection Time 11:40 - 13:20
Inspected By FRANK LEONG	Inspection Type ROUTINE INSPECTION	Consent By JESUS ALVAREZ	FSC ALBERTO ALVAREZ 08/22/2025		

Placard Color & Score

RED
73

RISK FACTORS AND INTERVENTIONS						OUT		COS/SA	N/O	N/A	PBI
						IN	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									S
K06	Adequate handwash facilities supplied, accessible	X									N
K07	Proper hot and cold holding temperatures		X					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								N

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								X		
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								X		
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								X		
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										

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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: In the kitchen area, underneath a prep table, measured multiple bags of partially frozen french fries between 42F and 60F. Per operator, french fries was removed from freezer for use during lunch service 1.5 hours prior. At the 2 door prep unit, measured shredded parmesan cheese at 52F. Per operator, shredded cheese was stored on counter-top for use for an hour. [CA] Ensure potentially hazardous foods are held cold at 41F or below to prevent bacterial growth. [SA] Operator moved french fries into freezer chest to facilitate proper holding temperatures. Operator to keep parmesan cheese in refrigeration to facilitate proper holding temperatures.

Follow-up By
09/05/2023

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

Inspector Observations: By the front counter, underneath the wooden prep table, observed a single large cockroach. In the kitchen area, on edge of shelving above the 2 door prep unit, observed a single live cockroach and accumulation of cockroach debris. In the back storage area, behind the freezer chest, and above the freezer chest on shelving bracket, observed multiple live cockroaches. In the warewash area, below the warewash machine, observed a single nymph cockroach. In the same area, on the wooden board shelving, observed multiple live cockroaches underneath and in broken edges of the shelf. [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 possible contamination of food contact surfaces, food packaging, utensils, or food equipment. The food facility shall cease operation 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 harborage have been resolved. Follow-up inspection to occur on 8/31/2023. Any live activity during follow-up will result in the continued closure of the facility. Any subsequent follow-up inspection after the first will be charged \$290.00 per hour.

Follow-up By
09/05/2023

Minor Violations

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

Inspector Observations: Observed shellstock tags are not regularly maintained per quantity of oysters served. No missing tags for oysters currently served. [CA] The identity of the source of shellstock that are sold or served shall be maintained for 90 calendar days from the dates of harvest by using an approved recordkeeping system that keeps the tags or labels in chronological order correlated to the date or dates the shellstock are sold or served.

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

Inspector Observations: Observed a bag of bread stored on the ground in the back storage area. [CA] Ensure all food is stored at least 6" off the floor on approved shelving.

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: In the back storage/warewash area, observed the installation of a wooden board as shelving. [CA] Discontinue use of unapproved equipment and materials. All equipment shall be smooth, durable, and easily cleanable.

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations: By the front counter, at the front handwash station, observed leak in plumbing below the sink. Facility currently not using sink due to leak. [CA] Ensure plumbing at the handwash sink is properly repaired to prevent leaks and allow for use of handwash station for handwashing.

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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 back storage area, observed the storage of an unused sign board. In the warewash area, on shelving, observed the storage of an unused microwave. [CA] Ensure facility is regularly cleaned, organized, and maintained. Remove all excess clutter to prevent possible harborage of vermin.*

Performance-Based Inspection Questions

Needs Improvement - No rodents, insects, birds, or animals.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Measured Observations

Item	Location	Measurement	Comments
hot water	3 compartment sink	120.00 Fahrenheit	
raw fish fillets	2 door prep unit	41.00 Fahrenheit	
frozen clams	4 door reach in freezer	15.00 Fahrenheit	
raw salmon	walk-in refrigerator	40.00 Fahrenheit	
oysters rockefeller (uncooked)	walk-in refrigerator	40.00 Fahrenheit	
warm water	2 compartment sink (currently used as handwash sink)	100.00 Fahrenheit	
mashed potatoes	reach in refrigerator	38.00 Fahrenheit	
chlorine sanitizer	warewash machine	50.00 PPM	
french fries	below prep table	60.00 Fahrenheit	Measured between 42F and 60F.
sliced tomatoes	2 door prep unit	41.00 Fahrenheit	
oysters rockefeller (with parmesan cheese crust)	from oven	115.00 Fahrenheit	Per operator, oysters rockefeller served undercooked per request.
oysters	walk-in refrigerator	41.00 Fahrenheit	
parmesan cheese	reach in refrigerator	40.00 Fahrenheit	
raw fish fillets	walk-in refrigerator	30.00 Fahrenheit	
parmesan cheese	walk-in refrigerator	40.00 Fahrenheit	
pico de gallo	2 door prep unit	41.00 Fahrenheit	
raw shrimp	2 door prep unit	38.00 Fahrenheit	
raw fish fillets	2 door prep unit	41.00 Fahrenheit	
frozen mussels	4 door reach in freezer	15.00 Fahrenheit	
parmesan cheese spread (for cheese bread)	walk-in refrigerator	41.00 Fahrenheit	

Overall Comments:

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 **9/13/2023**. 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.

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.

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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: ALBERTO ALVAREZ
OWNER

Signed On: August 30, 2023