

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 FA0258421 - THE NEST ASIAN BISTRO		Site Address 312 S 3RD ST, SAN JOSE, CA 95112		Inspection Date 09/04/2025	
Program PR0378360 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name THE NEST ASIAN BISTRO		Inspection Time 14:05 - 16:05
Inspected By ALEXANDER ALFARO	Inspection Type ROUTINE INSPECTION	Consent By HOA DO	FSC Not Available		

Placard Color & Score
RED
69

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						S
K06 Adequate handwash facilities supplied, accessible	X						S
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					

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	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		
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	X	
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available		

OFFICIAL INSPECTION REPORT

Facility FA0258421 - THE NEST ASIAN BISTRO	Site Address 312 S 3RD ST, SAN JOSE, CA 95112	Inspection Date 09/04/2025
Program PR0378360 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name THE NEST ASIAN BISTRO	Inspection Time 14:05 - 16:05
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:

PHFs in the three door cooler were all measured above 50°F. Per staff items have been there at least all day since opening at 11am. Ambient temperature of the cooler was measured at 60F.

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

[COS] PHFs were VC&D.

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

Inspector Observations:

1. **Observed Vermin: Documented in the following areas: Live cockroaches of all life stages were observed in the door handles of the beer tap cooler along with dozens of oothecas. Dead cockroaches were found on the floor and on sticky traps around the beer tap cooler. A live cockroach was found behind the small white freezer under the prep sink drainboard. A life nymph was found in the gasket of the prep cooler.**
2. **Photographs: Taken for documentation purposes.**
3. **Supervisor Notified: Yes**
4. **Notification: The person in charge during inspection, Calvin, has been informed that the facility must close immediately.**

[CA]: The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.

Requirements Before Reopening:

1. **Email the signed and completed Reopening Checklist to the assigned inspector.**
2. **Submit a copy of the pest control report from a licensed provider.**

Minor Violations

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

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

Inspector Observations:

Repeat Violation: Facility is storing open foods inside of chest freezers in the basement.

[CA] Food or food related equipment shall be stored in an approved fully enclosed food facility. The basement may be used for the storage of non PHF foods in their original unopened containers only. Remove the chest freezers, any PHFs, and any open foods or food related equipment such as plates, cups, napkins etc.

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

Inspector Observations:

Second Repeat Violation: Heavy food residue accumulation was observed on some of the equipment surfaces and handles including the fridge door. the sides of the fryers, the exhaust hood filters, and sides of cooking equipment.

[CA] Conduct a thorough cleaning on surfaces and handles of working equipment.

OFFICIAL INSPECTION REPORT

Facility FA0258421 - THE NEST ASIAN BISTRO	Site Address 312 S 3RD ST, SAN JOSE, CA 95112	Inspection Date 09/04/2025
Program PR0378360 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name THE NEST ASIAN BISTRO	Inspection Time 14:05 - 16:05

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:

The two right doors of the three door upright cooler were not maintaining PHFs at 41°F or below.

[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.

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:

1. Drainpipe from the prep sink was immersed inside the floor sink.

2. Drain hose from the beer tap cooler was immersed inside the floor sink.

[CA] To prevent possible contamination from backup of sewage, please provide at least one inch air gap between the floor sink and the drainpipes.

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:

1. Repeat Violation: The back area of the premises have an accumulation of unused/broken equipment.

[CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer use.

2. The front door, the back door, and the door to the outdoor patio were all propped open.

[CA] Keep doors closed at all times to prevent the entrance and harborage of vermin.

3. The window next to the fryers has an opening to an electrical cord.

[CA] Openable windows shall be screened to prevent the entrance and harborage of animals, birds, and vermin.

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

Inspector Observations:

1. Walls, floors, and ceilings throughout the facility have an accumulation of grease and grime particularly in the cookline room with heavy grease deposits on the ceiling and the floor.

2. Walls throughout the facility have numerous holes.

3. Walls behind the ice machine and close to the beer tap cooler have gaps in between the paneling and FRP.

[CA] Ensure to maintain the floors, walls, and ceilings of the facility clean and in good repair. Seal the holes/gaps and clean the facility.

4. Behind the prep cooler there is a large piece of untreated plywood.

[CA] Ensure walls are made with a durable, smooth, nonabsorbent, and easily cleanable surface.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

OFFICIAL INSPECTION REPORT

Facility FA0258421 - THE NEST ASIAN BISTRO	Site Address 312 S 3RD ST, SAN JOSE, CA 95112	Inspection Date 09/04/2025
Program PR0378360 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name THE NEST ASIAN BISTRO	Inspection Time 14:05 - 16:05

Measured Observations

Item	Location	Measurement	Comments
Water	Handwash Sink	100.00 Fahrenheit	
Tomato	Prep Cooler	40.00 Fahrenheit	
Chicken	Sheet Tray	75.00 Fahrenheit	TPHC
Ambient Air	Upright Cooler	60.00 Fahrenheit	
Ranch	Upright Cooler	60.00 Fahrenheit	VC&D
Water	Three Compartment Sink	120.00 Fahrenheit	

Overall Comments:

Notes:

- Please contact district specialist, Alexander Alfaro (alexander.alfaro@deh.sccgov.org), or DEH main line at (408)918-3400 to schedule a follow up inspection. The first follow up inspection is free of charge. Any and all subsequent follow up inspections shall be charged at the approved hourly rate of \$298.00/hr, minimum of one hour, during normal business hours: Monday through Friday 7:30am to 4:30pm or \$645, for a minimum of two hours, during non business hours, and upon inspector availability.

- Failure to correct repeat violations will result in further enforcement actions from this department.

CLOSURE / PERMIT SUSPENSION NOTICE

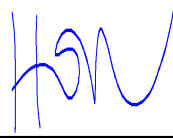
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **9/18/2025**. 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.

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: Hoa Do
Cook

Signed On: September 04, 2025