

# 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 FA0207616 - EL PORTAL COCINA Y MARISCOS		Site Address 2108 STORY RD A, SAN JOSE, CA 95122		Inspection Date 04/06/2023	
Program PR0301237 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name EL PORTAL FOOD SERVICES		Inspection Time 09:30 - 10:40
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By KIMBERLY	FSC Karelia Aguilar Perez 11/20/2024	

Placard Color & Score
<b>GREEN</b>
<b>82</b>

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						
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						
K06 Adequate handwash facilities supplied, accessible			X				
K07 Proper hot and cold holding temperatures	X						
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods		X		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						S
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		
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		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		
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

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

**Inspector Observations: Large pot of shrimp stock, approximately 3-4 gallons, maintained inside the three-door reach-in refrigerator measured at 48F. Employee stated that stock was prepared the day before and was not used today.**

**[CA] 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.**

**[COS] Shrimp stock was VC&D for improper cooling.**

### Minor Violations

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations: Hand wash station at the front service area lacked splash guard.**

**[CA] A minimum 6" high metal splash guard spanning the full length of the drainboard shall be installed if the handwash sink is installed less than 24" away from the warewash drainboard.**

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations: Hot water at all hand wash sinks measured below 100F.**

**Hot water at critical sinks - three compartment, food preparation measured at between 90F to 100F.**

**Observed tankless water heater set at 100F.**

**[CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at handwash sinks.**

**Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.**

**Handwashing facilities equipped with a mixing valve that is not readily adjustable at the faucet, shall provide warm water at least 100°F, but not greater than 108°F. (Hand wash station between front service area and kitchen).**

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: Food preparation sink observed directly drained [CA] Food preparation sink shall discharge liquid waste by means of indirect waste pipes into a floor sink or other approved type of receptor equipped with a minimum 1" air gap.**

**Excess water from ice machine drains directly to the exterior of the building. [CA] All equipment that discharges liquid waste shall be drained by means of indirect waste pipes, and all wastes drained by them shall discharge through an airgap into a floor sink or other approved type of receptor.**

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:** *Wood flooring observed inside rear storage room. [CA] The floor surfaces shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.*

*Flooring is ok for prepackaged foods only.*

*Approved flooring include - quarry and ceramic tiles, commercial sheet vinyl, epoxy and resin, polyvinylchloride.*

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

Item	Location	Measurement	Comments
Soup	Stove	197.00 Fahrenheit	Reheating
Cooked shrimp	Food preparation refrigerator	40.00 Fahrenheit	Between Bar and kitchen
Cooked beans	Three-door reach-in refrigerator	41.00 Fahrenheit	
Raw fish	Three-door upright refrigerator	38.00 Fahrenheit	Storage room
Raw fish	Food preparation refrigerator	40.00 Fahrenheit	Kitchen
Sliced tomatoes	Food preparation refrigerator	40.00 Fahrenheit	Top insert - kitchen
Raw shelled eggs	Food preparation refrigerator	41.00 Fahrenheit	Kitchen
Fish ceviche	Food preparation refrigerator	41.00 Fahrenheit	Bar area
Diced tomatoes	Food preparation refrigerator	41.00 Fahrenheit	Top insert - between bar and kitchen
Sliced tomatoes	Food preparation refrigerator	40.00 Fahrenheit	Between bar and kitchen
Raw shrimp	Food preparation refrigerator	41.00 Fahrenheit	Top insert - between bar and kitchen
Sanitizing buckets	Kitchen	100.00 PPM	Chlorine
Diced tomatoes	Food preparation refrigerator	39.00 Fahrenheit	Top insert - kitchen
Cooked noodles	Three-door reach-in refrigerator	40.00 Fahrenheit	
Cooked ocotopus	Food preparation refrigerator	40.00 Fahrenheit	Top insert - between bar and kitchen
Raw chicken	Food preparation refrigerator	41.00 Fahrenheit	Kitchen
Horchata	Three-door beverage merchandiser	37.00 Fahrenheit	Dining room
Rice with corn	Rice cooker	150.00 Fahrenheit	
Chlorine sanitizer	Three-compartment sinks	100.00 PPM	Kitchen and bar
Red rice	Rice cooker	155.00 Fahrenheit	
Raw beef	Food preparation refrigerator	40.00 Fahrenheit	Kitchen

## Overall Comments:

### **OWNERSHIP CHANGE INFORMATION**

**NEW FACILITY NAME:** *Las Islitas Nayarit*

**NEW OWNER:** *Lauro Mendoza*

*The applicant has completed the change of ownership application process for an Environmental Health Permit.*

*The permit category for this facility is FP14. An invoice for the permit fee in the amount of \$1,435.00 will be mailed to the billing address on the application. Payment must be submitted within 10 days of receipt of the invoice. The owner is responsible for contacting our department if an invoice is not received and remit payment within 30 days.*

*The Environmental Health Permit will be effective: 04/01/2023 - 03/31/2024 This report serves as a temporary permit. However, the permit will be deemed invalid if the permit fee is not paid in full within 30 days from the date of this report. Okay to Operate.*

*An official permit will be mailed to the address on file and shall be posted in public view upon receipt.*

*\*Structural Review inspection conducted on 04/06/2023*

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**\*Permit condition: No opened food allowed in rear storage area.**

**\*Obtain food safety manager certificate within 60 days. All other food employees must have valid food handler cards within 30 days from hire date.**

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 **4/20/2023**. 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.

**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



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**Received By:** Kimberly M.  
PIC  
**Signed On:** April 06, 2023