

# 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 FA0206909 - LOS ARCOS		Site Address 1705 TULLY RD, SAN JOSE, CA 95122		Inspection Date 07/11/2023	
Program PR0302401 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name LUIS GONZALEZ RODRIGUE		Inspection Time 12:30 - 14:10
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By LUIS	FSC Not Available	

Placard Color & Score
<b>GREEN</b>
<b>74</b>

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						
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						S
K06 Adequate handwash facilities supplied, accessible		X		X			
K07 Proper hot and cold holding temperatures	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	X	
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		
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		
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		
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available		

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K48	Plan review	X
K49	Permits available	
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations:** Facility removed the only handwashing station in the kitchen. Manager stated that the original two-compartment ware wash sink was removed to install a three-compartment sink. There is insufficient space for an additional sink, however, owner plans to have all equipment on the line shifted over to fit a dedicated hand wash sink.

**[CA]** All food facilities shall provide an operable handwashing station.

**[SA]** Temporarily utilize the three-compartment sink to conduct handwashing until dedicated hand wash sink is provided.

### Minor Violations

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

**Inspector Observations:** Five-year Food Safety Certified (FSC) manager certificate is expired. **[CA]** Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times. Provide within 60 days.

**Employees' three-year food handler cards unavailable for review. [CA]** Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.

**Information on a Food Safety Certificate and Food Handler cards are available at <https://www.sccgov.org/sites/cpd/programs/fsp/Pages/FSC.aspx>.**

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

**Inspector Observations:** Employees' half eaten bread stored on top of clean serving plates inside the kitchen above the noodle preparation refrigerator.

**[CA]** No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

**Inspector Observations:** Consumer advisory on menu lacks disclosure that sushi items contain raw or undercooked fish.

**[CA]** Consumer advisory shall be provided on menus, brochures, deli case, label statements, table tents, placards, or other effective written means with a disclosure and reminder.

**(1) Disclosure:** clearly written statement that includes either a description of the animal-derived foods, such as "oysters on the half shell (raw oysters), or identification of animal derived foods marked by an asterisk (\*) directing to a footnote that items are served raw or undercooked, or contain raw or undercooked ingredients

**(2) Reminder:** clearly written statement that identifies animal-derived foods by asterik that marks a food note includes one of the following: "Written information regarding the safety of these food items is available upon request " or "Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase the risk of foodborne illness, especially if you have certain medical conditions.

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations:** One dead American cockroach observed on floor underneath mechanical dish machine. **[CA]** Clean and sanitize area of dead cockroaches or old droppings.

**Numerous live flies inside kitchen area.**

**[CA]** Use any and all approved methods to abate live flies.

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K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

**Inspector Observations: Container of raw salmon thawing in ambient temperature. Salmon measured at 30F.**  
**[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.**

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: Raw shelled eggs maintained above ready-to-eat food items inside the walk-in refrigerator.**  
**[CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items. Relocate raw shell eggs below ready-to-eat food items.**

K48 - 2 Points - Plan review unapproved; 114380

**Inspector Observations: Owner installed and/or constructed the following without notifying DEH:**

- Replaced original two-compartment ware wash sink with three-compartment sink with dual integral drainboards.
- Wooden walls built around outside of facility to create closed off enclosure and storage room.

**Owner also plans on installing a mop sink in the newly built enclosure area outside.**

**[CA] A person proposing to build or remodel a food facility shall submit plans and specifications for review and shall receive plan approval prior to starting any new construction or remodeling. Contact DEH at 408-918-3400 or at [www.ehinfo.org](http://www.ehinfo.org) to obtain plan check requirements.**

**Plan check consultation is available Monday – Friday, from 7:30 a.m. to 10:00 a.m. in person, or by phone.**

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Cooked beef tendon	Walk-in refrigerator	39.00 Fahrenheit	
Cooked rice	Griddle	167.00 Fahrenheit	Hot holding
Pozole	Walk-in refrigerator	40.00 Fahrenheit	
Raw beef slices	Food preparation refrigerator	39.00 Fahrenheit	Top insert - left side kitchen
Salsa	Merchandiser refrigerator	39.00 Fahrenheit	
Cooked pork	Food preparation refrigerator	38.00 Fahrenheit	Top insert - right side kitchen
Cooked pork ribs	Merchandiser refrigerator	41.00 Fahrenheit	
Menudo	Walk-in refrigerator	40.00 Fahrenheit	
Cooked shrimp	Food preparation refrigerator	40.00 Fahrenheit	Top insert - left side kitchen
Cooked marinated pork	Food preparation refrigerator	38.00 Fahrenheit	Top insert - right side kitchen
Cooked pork slices	Food preparation refrigerator	39.00 Fahrenheit	Top insert - left side kitchen
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Pho broth	Walk-in refrigerator	39.00 Fahrenheit	
Cooked chicken	Food preparation refrigerator	40.00 Fahrenheit	Top insert - left side kitchen
Cooked wontons	Walk-in refrigerator	37.00 Fahrenheit	
Hot water	Three-compartment sink	127.00 Fahrenheit	
Shredded cheese	Food preparation refrigerator	41.00 Fahrenheit	Top insert - right side kitchen
Beans	Walk-in refrigerator	38.00 Fahrenheit	
Unagi	Merchandiser refrigerator	40.00 Fahrenheit	
Cooked sliced pork	Walk-in refrigerator	38.00 Fahrenheit	
Pho broth	Cook line	172.00 Fahrenheit	Hot holding
Beans	Griddle	147.00 Fahrenheit	

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**Overall Comments:**

- **Owner inquired about outdoor BBQ:**
  - *Open-air barbecues or outdoor wood-burning ovens must be operated on the same premises as, in reasonable proximity to, and in conjunction with a permanent food facility that is approved for food preparation and is not operated in any area or location that may constitute a fire hazard.*
  - *Adequate preparation and storage space and adequate equipment shall be provided to accommodate the operation of the open-air BBQ so as not to interfere with the sanitary operation of the food facility.*
  - *Open-air BBQ shall be separated from public access to prevent food contamination or injury to the public using approved methods.*
  - *Foods which are intended to be stored at or served from an open-air BBQ are limited to foods barbecued directly upon the open-air BBQ.*
  - *No food preparation may take place out-of-doors except the barbecuing of foods on the open-air BBQ.*
  - *Foods which are barbecued on the open-air BBQ may be served directly from the open-air BBQ unit using sanitary utensils or returned to the food facility for serving.*
  - *For additional requirements contact DEH.*

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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 7/25/2023. 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: Luis Gonzalez Rodriguez  
Owner

Signed On: July 11, 2023