

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 12/15/2025		Placard Color & Score GREEN 92		
Program PR0304264 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17			Owner Name CLASSIC AMERICANA FOOD		Inspection Time 10:40 - 12:50			
Inspected By THAO HA		Inspection Type ROUTINE INSPECTION		Consent By SAEED				FSC

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						
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			
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	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		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		
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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Program	PR0304264 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17	Owner Name	CLASSIC AMERICANA FOOD, INC.	Inspection Time	10:40 - 12:50
K48	Plan review				
K49	Permits available				
K58	Placard properly displayed/posted				

Comments and Observations

Major Violations

No major violations were observed during this inspection.

Minor Violations

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: Cookline salad prep cooler measured to have:

-Thousand island at 43F

-Cut tomatoes at 42F

-Blue cheese at 43F

-Feta cheese at 43F

Per operator cooler was just stocked in the last 30-45 minutes for prep for lunch service.

[CA] Keep PHFs at 41F and below for cold holding.

[COS] All PHFs in reach in portion of prep cooler was iced to maintain 41F and below.

K18 - 3 Points - Non-compliance with variance/ROP/HACCP Plan; 114057, 114057.1, 114417.6, 114419

Inspector Observations: 1) Facility observed to be using sous vide cooking method with reduced oxygen packaging to cook large roast. Per operator roast was sealed this morning and placed into circulating water bath. Water bath measured to be 148F. Per operator roast is to be removed right now to be portioned and then seared for lunch service and roast shall be not be stored in ROP packaging.

Follow-up By
12/18/2025

2) Steaks observed to be ROPed by facility in walk in cooler and measured to be 39F. Per label on bin steaks were ROPed yesterday. Per operator, steaks were ROPed between lunch and dinner yesterday afternoon. Steaks observed being cut open and placed into trays to be used for service today. [CA] Facility shall provide a written HACCP plan to the Department and shall follow its written HACCP plan. The food facility shall obtain a HACCP plan approval prior to packaging PHFs using a reduced-oxygen packaging method. Facility may submit a HACCP to be approved by this Agency if storing ROP meats for less than 48 hours. Any PHFs stored in ROP must be time marked and labeled.

Provide this agency SOPs HACCP for sous vide and marinading vacuum sealing. Include temperatures, duration, labeling, logs, or any other factors that will be tracked while PHF is under ROP.

[SA] All PHFs in ROP was removed from packaging for service during time of inspection. Facility shall submit SOPs for approval prior to using ROP.

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. Grime and debris also accumulated on shelves in cabinets at the bar and equipment storage in the middle of the prep area in back.[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

Performance-Based Inspection Questions

N/A

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Measured Observations

Item	Location	Measurement	Comments
Blue cheese	Salad prep cooler	43.00 Fahrenheit	
Chicken skewers raw	Walk in cooler	38.00 Fahrenheit	
Oysters	Back seafood prep cooler	38.00 Fahrenheit	
Cooked shrimp	Back seafood prep cooler	39.00 Fahrenheit	
Fruit purree	Right bar under counter cooler	40.00 Fahrenheit	
Chlorine	back upright dishwasher	100.00 Fahrenheit	
Diced tomatoes	Strove top prep cooler	39.00 Fahrenheit	
Hot water	3-comp sink	120.00 Fahrenheit	
Shredded cheese	Walk in cooler	41.00 Fahrenheit	
Chlorine	Sanitizer bucket	100.00 Fahrenheit	
Thousand island	Salad prep cooler	43.00 Fahrenheit	
gravy	Sauce steam table	169.00 Fahrenheit	
Raw fish	Grill prep cooler	39.00 Fahrenheit	
Whipped cream	Left bar under counter cooler	42.00 Fahrenheit	
White sauce	Sauce steam table	144.00 Fahrenheit	
Spinach dip	Large steam table	146.00 Fahrenheit	
Chlorine	Bar dishwasher	50.00 Fahrenheit	
Gravy	Walk in cooler	38.00 Fahrenheit	
White sauce	Walk in cooler	39.00 Fahrenheit	
Warm water	handwash sink	100.00 Fahrenheit	
Cous Cous	Strove top prep cooler	55.00 Fahrenheit	Per operator, cooked within the last 30 minutes for service.
Milk	Right bar under counter cooler	41.00 Fahrenheit	
Soup	On stove for reheating	169.00 Fahrenheit	
Raw steak	Grill prep cooler	39.00 Fahrenheit	
Garlic in oil	Strove top prep cooler	39.00 Fahrenheit	
Marinated steaks	Walk in cooler	39.00 Fahrenheit	
Feta cheese	Salad prep cooler	42.00 Fahrenheit	
Roast	Out of sous vide	149.00 Fahrenheit	Per chef, roast is to be charred and then carved for service

Overall Comments:

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 **12/29/2025**. 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: Juan Campos
Manager
Signed On: December 15, 2025