

# 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 FA0258807 - DENNY'S #8544		Site Address 875 COCHRANE RD, MORGAN HILL, CA 95037		Inspection Date 11/21/2023		<b>Placard Color &amp; Score</b> <span style="font-size: 2em; font-weight: bold;">GREEN</span> <span style="font-size: 3em; font-weight: bold;">82</span>
Program PR0379075 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17			Owner Name BAY AREA DINER INC		Inspection Time 13:45 - 15:00	
Inspected By GINA STIEHR	Inspection Type ROUTINE INSPECTION	Consent By MARTIN BENITIZ	FSC Martin Benitez 01/26/2027			

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				N
K07	Proper hot and cold holding temperatures		X					N
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						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	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		
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:** *Observed potentially hazardous food (PHF) located in a "drop in style" cold holding unit that measured in the temperature danger zone in the top portion of the product (whipped butter 54F). [CA] Ensure PHFs are properly cold held at 41F or below OR hot held at 135F or above. Repair, adjust or replace unit if necessary. If facility would like to implement time control (TPHC- Time as a Public Health Control), they will need to fill out the Department's TPHC form, time mark the food for 4 hours and discard the food at the end of the 4 hour mark. [SA] PIC will discard the whipped butter at the end of the 4 hour time frame.*

### Minor Violations

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

**Inspector Observations:** *Observed the handwash station across from the cookline to be blocked by a storage rack. [CA] Ensure handwash stations are clear and easily accessible for frequent handwashing.*

K13 - 3 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

**Inspector Observations:** *Observed romaine lettuce to not be in good condition (wilted and appeared slightly slimy and brown). [CA] Ensure all food is in good condition. [COS] PIC had employee discard the lettuce.*

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:** *Gasket for ice cream freezer is in disrepair. [CA] Repair/replace gasket on ice cream freezer.*

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:** *Observed minor leak from pipe connection the water heater. [CA] Repair leak.*

### Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.  
Needs Improvement - Proper hot and cold holding temperatures.

### Measured Observations

Item	Location	Measurement	Comments
mayo	walk-in cooler	36.00 Fahrenheit	
hot water	food prep sink	120.00 Fahrenheit	
sliced tomatoes	food prep cold hold	39.00 Fahrenheit	
ice cream	freezer	21.00 Fahrenheit	
liquid egg	cold hold	41.00 Fahrenheit	
cut melon	food prep cold hold	41.00 Fahrenheit	
beef patty	cookline	176.00 Fahrenheit	
salsa	food prep cold hold	41.00 Fahrenheit	
egg white	walk-in freezer	-2.00 Fahrenheit	
whipped butter	cold hold	43.00 Fahrenheit	43F-54F
hash brown	drawer cooler	41.00 Fahrenheit	
meat sauce	steam table hot hold	176.00 Fahrenheit	
chlorine	warewash machine	50.00 PPM	
hot water	handwash sink	100.00 Fahrenheit	
sausage	drawer cooler	41.00 Fahrenheit	

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## 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 12/5/2023. 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:** Martin Benitez  
Manager

**Signed On:** November 21, 2023