

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 FA0277347 - 85°C BAKERY CAFE		Site Address 672 BARBER LN, MILPITAS, CA 95035		Inspection Date 12/19/2024		Placard Color & Score RED 75		
Program PR0419173 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name WINPIN 85 INVESTMENTS LL		Inspection Time 11:00 - 13:15			
Inspected By FRANK LEONG		Inspection Type ROUTINE INSPECTION		Consent By JASMINE SUMERA				FSC JASMINE SUMERA 06/11/2029

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						
K08	Time as a public health control; procedures & records		X		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					N

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		
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		

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

Comments and Observations

Major Violations

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations: *In the kitchen area, observed a tray of baked cheese bread stored without a time label. [CA] When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours, and written procedures shall be readily available for review. [SA] Operator time marked the baked cheese bread to be served within 4 hours from when removed from temperature control.*

Follow-up By
12/23/2024

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

Inspector Observations: *In the kitchen area, at the prep area around the ice machine, observed live cockroach activity in crevices between installed shelving. To the left of the ice machine, at the water filter installed above the ice machine, observed cockroach activity on an instruction manual placed between the filter and the wall. In the back prep area, by the proofer, above the water filter, observed cockroach activity at the top of the FRP bracket. In the same area, by the installed shelving, observed accumulation of cockroach droppings and cockroach activity around shelving. [CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved. Seal all cracks and crevices to prevent continued harborage. Contact pest control to provide service for the facility. Contact district inspector when facility is ready for follow-up inspection at frank.leong@deh.sccgov.org or at 408-918-1955. Any live activity noted during the follow-up inspection will result in continued closure of the facility. Any subsequent follow-up inspection after the first will be charged an hourly rate of \$298.00. Any after-hours or weekend inspections will be charged \$645.00 for a minimum inspection time of 2 hours.*

Follow-up By
12/23/2024

Minor Violations

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

Inspector Observations: *Observed food handler cards are expired. [CA] Ensure all employee food handler cards are valid and available for review.*

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: *In the prep area by the ice machine, observed used cardboard stored on the floor between a prep table and the wall. On rolling carts for baking trays, observed the use of cardboard to line the top of the cart. [CA] Ensure only approved materials are used within the facility. Discontinue use of cardboard as a liner and remove from facility.*

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: *In the prep areas, observed a non-functioning 3 door undercounter refrigerator and a 2 door undercounter refrigerator. Observed unused shelving installed on walls and unused knife storage rack. [CA] Ensure all unused equipment is removed from the facility to prevent clutter and possible harborage of vermin.*

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

Inspector Observations: *In the kitchen and prep areas, observed installed shelving with cracks and crevices between and around the shelves. Observed cracks and crevices around FRP brackets. [CA] Ensure all cracks and crevices are sealed to prevent possible harborage of vermin.*

Performance-Based Inspection Questions

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Needs Improvement - No rodents, insects, birds, or animals.

Measured Observations

Item	Location	Measurement	Comments
asiago cheese	3 door undercounter refrigerator	41.00 Fahrenheit	
red velvet cake	front counter display refrigerator	38.00 Fahrenheit	
mango cake	2 door reach in refrigerator	36.00 Fahrenheit	
sea cream	2 door undercounter refrigerator	39.00 Fahrenheit	
chocolate cake	2 door reach in refrigerator	36.00 Fahrenheit	
milk	2 door undercounter refrigerator	40.00 Fahrenheit	
quaternary ammonium sanitizer	3 compartment sink	300.00 PPM	
ube filling	3 door undercounter refrigerator	41.00 Fahrenheit	
hot water	handwash sink	100.00 Fahrenheit	
hot water	3 compartment sink	120.00 Fahrenheit	
strawberry cake	front counter display refrigerator	38.00 Fahrenheit	
liquid egg whites	3 door undercounter refrigerator	39.00 Fahrenheit	

Overall Comments:

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 **1/2/2025**. 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: JASMINE SUMERA
SHIFT LEAD
Signed On: December 19, 2024