

# 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

<b>Facility</b> FA0289165 - HAPPY LEMON - GILROY		<b>Site Address</b> 8155 ARROYO CL 2, GILROY, CA 95020		<b>Inspection Date</b> 01/17/2024		<b>Placard Color &amp; Score</b> <div style="background-color: yellow; padding: 10px; text-align: center;"> <b>YELLOW</b>  <b>68</b> </div>		
<b>Program</b> PR0433550 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			<b>Owner Name</b> T ROCK INC		<b>Inspection Time</b> 11:45 - 13:05			
<b>Inspected By</b> GUILLERMO VAZQUEZ		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> LAURA VEGA				<b>FSC</b> Not Available

  

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification			X				N
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						
K06	Adequate handwash facilities supplied, accessible		X					N
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					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	X	
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		X
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	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: All hand wash stations within the facility have issues:**

Follow-up By  
01/22/2024

**1. Hand wash station next to cashier station is missing soap inside of dispenser at the time of inspection.**

**[CA] Provide hand washing cleanser in dispenser at hand wash stations at all times.**

**[COS] PIC added more soap to dispenser.**

**2. Hand wash station in the back prep area is blocked with a ladder at the time of inspection.**

**[CA] Hand washing facility shall be clean, unobstructed, and accessible at all times.**

**[COS] Ladder was moved and hand wash is now accessible.**

K14 - 8 Points - Food contact surfaces unclean and unsanitized; 113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115(a,b,d), 114117, 14125(b), 114141

**Inspector Observations: 1. Ice machine has a mold like substance within the interior panel.**

**[CA] Clean/sanitize the ice machine per the manufactures specifications.**

**[SA] Employee is in the process of cleaning/sanitizing.**

**2. Bulk containers have debris build up on them on the outside.**

**[CA] Clean/sanitize the bulk containers regularly.**

### Minor Violations

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

**Inspector Observations: Unable to provide food handler cards and a food manger certification at the time of inspection.**

**[CA] Obtain a new food manger within 60-days and food handler cards within 30-days.**

**REPEAT VIOLATION. Failure to comply my result in enforcement action.**

K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

**Inspector Observations: Unable to provide TPHC form for Boba that is being left out at ambient temperature. Per PIC, they use it for a maximum of 4-hours and they make new boba.**

**[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. Provide TPHC form to be filled out and submitted to this department.**

Follow-up By  
01/22/2024

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

**Inspector Observations: Unable to provide chlorine test strips at the time of inspection.**

**[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitation method used during manual or mechanical ware-washing.**

**REPEAT VIOLATION. Failure to comply may result in enforcement action.**

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

**Inspector Observations: Unable to provide a food probe thermometer at the time of inspection.**

**[CA] An accurate easily readable metal probe thermometer (accurate to +/- 2°F) that is designed to measure the temperature of thin masses shall be provided and readily available to accurately measure the temperatures of potentially hazardous foods.**

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

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**Inspector Observations: 3-Compartment sink has a leak at the bottom of the pipping.**

**[CA] Repair plumbing fixture and maintain in clean and good repair.**

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

**Inspector Observations: 1. Grease build up on the walls next to the new deep fryer noted at the time of inspection.**

**[CA] Walls and/or floors in food preparation area shall be kept clean.**

**2. Debris build up on the floor under refrigeration and within floor drains.**

**[CA] Walls and/or floors in food preparation area shall be kept clean.**

K48 - 2 Points - Plan review unapproved; 114380

**Inspector Observations: Facility has installed a new deep fryer within the facility without approval from this department. Also an additional (3x) Induction burner has been installed into the facility.**

**[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.**

**Submit plan into the department with regards to the new piece of equipment within 1-weeks (1/24/24) or remove equipment. Failure to comply may result in enforcement action.**

**- Permit conditions only allow two inductions burners on site or facility will have to obtain a hood system.**

## Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

## Measured Observations

Item	Location	Measurement	Comments
Hot water	3-Compartment/Prep sink	120.00 Fahrenheit	
Raw chicken	Reach in	40.00 Fahrenheit	
Pudding	Prep table	39.00 Fahrenheit	
Shelled eggs	Reach in	39.00 Fahrenheit	
Ambient	Reach in freezer	5.00 Fahrenheit	
Warm water	Hand wash	100.00 Fahrenheit	
Warm water	Restroom	100.00 Fahrenheit	
Boba	Metal tray	104.00 Fahrenheit	TPHC.
Jelly	Prep table	38.00 Fahrenheit	
Boba	Induction burner	154.00 Fahrenheit	

## Overall Comments:

**- Facility has upgraded its menu items and will be converted from a Risk Category 1 to a Risk Category 2. Fees will apply to new permit, new permit fees are as follow (\$1,079.00). Permit will be upgraded on the approval of the portable deep fryer.**

**- Submit a new menu into this department for review.**

**- Submit plans into the department with regards to the portable deep fryer (Broaster VF-3). Per PIC, the fryer was obtained about 6-months.**

**- Contact Guillermo V. (408-918-7114) [guillermo.vazquez@deh.sccgov.org](mailto:guillermo.vazquez@deh.sccgov.org) if any additional questions arise.**

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 **1/31/2024**. 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.

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## 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:** Laura Vega  
Supervisor

**Signed On:** January 17, 2024