

# 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> FA0213892 - BLACK BEAR DINER SUNNYVALE		<b>Site Address</b> 415 E EL CAMINO REAL, SUNNYVALE, CA 94087		<b>Inspection Date</b> 03/20/2024		<b>Placard Color &amp; Score</b> <div style="background-color: green; color: white; padding: 10px; text-align: center;"> <b>GREEN</b>  <b>87</b> </div>		
<b>Program</b> PR0302624 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17			<b>Owner Name</b> JENNIFER NUSHWAT		<b>Inspection Time</b> 13:50 - 15:25			
<b>Inspected By</b> SUHKREET KAUR		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> SERVANDO ANAYA ZEPADA				<b>FSC</b> Servando Anaya Zepada 8/27/27

  

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				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		
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		
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

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: Measured waffle batter at 46F, cheese at 44F in upright reach in refrigerator. Measured pancake batter at 48F in prep unit.**

**[CA] PHFs shall be held at 41°F or below or at 135°F or above.**

**[COS] PIC moved the items to walk in cooler for rapid cooling.**

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations: Hot water was not available at hand wash sink located in cookline (closer to walk in cooler).**

**[CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.**

**[COS] PIC turned on the hot water from underneath the sink.**

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

**Inspector Observations: Observed insects, fruit flies in warewash area, unused area with soda machine and near water heater area.**

**[CA] Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies.**

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: Ambient temperatures of upright reach in refrigerator and prep unit where pancake batter is stored measured at above 41F.**

**[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. Repair the units.**

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: Observed back door of the facility propped open.**

**[CA] Keep back door closed at all times to prevent the entrance and harborage of vermin.**

### Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.

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## Measured Observations

Item	Location	Measurement	Comments
Gravy, rice, chilli	Hot holding	140.00 Fahrenheit	
Cooked chicken	Under counter hot holding unit	145.00 Fahrenheit	
Broccoli soup	Hot holding	145.00 Fahrenheit	
Hot water	Three compartment sink	120.00 Fahrenheit	
Cut tomatoes	Walk in cooler	39.00 Fahrenheit	
Quaternary ammonium	Sanitizer bucket at front area	200.00 PPM	
Milk	Reach in refrigerator for coffee	41.00 Fahrenheit	
Water	Hand wash sink	100.00 Fahrenheit	
Chlorine	Dish machine	50.00 PPM	
Roast	Walk in cooler	40.00 Fahrenheit	
Beef patty	Drawer unit under grill	40.00 Fahrenheit	
Potatoes, hash browns	Hot holding on griddle	145.00 Fahrenheit	
Pastries	Display unit near cashier area	40.00 Fahrenheit	
Cut fruit	Prep unit for salad	41.00 Fahrenheit	

## 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 **4/3/2024**. 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.

## 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: Servando Anaya Zepada  
Manager

Signed On: March 20, 2024