

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 FA0205667 - U PICK RESTAURANT		Site Address 1154 STORY RD, SAN JOSE, CA 95122		Inspection Date 07/23/2024		Placard Color & Score <div style="background-color: green; color: white; padding: 10px; text-align: center;"> GREEN 73 </div>		
Program PR0306006 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name LAM TON NGUYEN		Inspection Time 11:20 - 12:40			
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By LAM				FSC Lam Ton Nguyen 5/18/2026

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification	X						S
K02	Communicable disease; reporting/restriction/exclusion	X						
K03	No discharge from eyes, nose, mouth	X						S
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			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						
K15	Food obtained from approved source	X						
K16	Compliance with shell stock tags, condition, display	X						N
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	X	
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	X	
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		X
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

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: *Bag of cooked rice, approximately 10 lbs maintained inside the two-door food preparation refrigerator measured at 65F. Ambient temperature of the refrigerator measured at 66F. Owner stated that rice was made the day before.*

Inspector Observations: *Bowl of live clams, box of live oysters, and case of raw shelled eggs maintained inside the two-door upright freezer in the back of the facility measured at 51F. Manager stated that clams were purchased this morning from the supermarket in the same plaza. Ambient temperature of the freezer measured at 57F.*

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

*** Live unshucked shellfish and raw shelled eggs may be maintained at 45F and below.**

[COS/SA] Bag of cooked rice was VC&D. Shellfish and eggs were relocated to separate refrigerator to immediately cool.

Minor Violations

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

Inspector Observations: *Observed numerous dead fruit flies inside the soap dispenser.*

**[CA] Handwashing facility shall be clean, unobstructed, and accessible at all times. Replace hand soap. **

Inspector Observations: *Paper towels maintained on top of towel dispenser inside the restroom.*

[CA] Paper towels shall be stored inside the dispenser to prevent potential contamination.

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations: *Floor sink between the deep fryer and three-compartment sink observed slow to drain.*

[CA] Food facility shall not operate if there is sewage overflowing or backing up in the food facility. The food facility, or impacted areas, shall remain closed until all plumbing problems have been corrected and all contaminated surfaces have been cleaned and sanitized.

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

Inspector Observations: *Numerous live flies observed inside kitchen.*

[CA] Use any and all approved methods to abate live flies.

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: *Observed heavy build up of food residues and debris on the sides of and cooking equipment.*

[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

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 temperature of the two-door food preparation refrigerator measured at 66F.*

Inspector Observations: *Ambient temperature of the two-door upright freezer measured at 57F. Owner stated that freezer was unable to maintain freezer temperatures so that facility is using the freezer as a refrigerator instead at the elevated temperatures.*

[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. Investigate cause and repair in an approved manner.

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K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

Inspector Observations: Heavy build up of oil and grease observed on ventilation hood and ventilation hood filters.

[CA] Clean mechanical exhaust hood and/or filters of grease accumulation.

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

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: Back door of the facility maintained opened during the inspection.

[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.

Needs Improvement - Compliance with shell stock tags, condition, display.

Measured Observations

Item	Location	Measurement	Comments
Milk	One-door reach-in refrigerator	40.00 Fahrenheit	
Portioned cooked vermicelli	One-door reach-in refrigerator	40.00 Fahrenheit	
Hot water	Three-compartment ware wash sink	121.00 Fahrenheit	
Raw marinated pork	One-door food preparation refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment food preparation sink	123.00 Fahrenheit	
Cooked pork	One-door food preparation refrigerator	40.00 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 **8/6/2024**. 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: Lam N.
Owner
Signed On: July 23, 2024