

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 FA0208022 - LUV CAFE		Site Address 2444 ALVIN AV B, SAN JOSE, CA 95121		Inspection Date 12/06/2022	
Program PR0301815 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			Owner Name NGUYEN, TRAN		Inspection Time 13:15 - 14:30
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By TRAN NGUYEN	FSC Not Available		

Placard Color & Score

YELLOW

56

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						S
K04 Proper eating, tasting, drinking, tobacco use			X				N
K05 Hands clean, properly washed; gloves used properly		X					N
K06 Adequate handwash facilities supplied, accessible	X						
K07 Proper hot and cold holding temperatures		X		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				
K15 Food obtained from approved source		X					N
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	X	
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		
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		
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

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: Kitchen employee observed wiping floor with wiping cloth, and then continue onto manual ware washing without washing hands in-between. Observed same employee eating and then continuing with ware washing without washing hands.

Follow-up By
12/09/2022

Kitchen employee observed wiping hands on back of pants, scratching nose, and failing to wash hands after.

[CA] Ensure employees are washing hands as required. Properly wash hands with soap, warm water and dry using single use paper towels as required.

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

Inspector Observations: Cooked Chinese sausage, fancy pork, raw beef, bowl of cooked rice, box of raw shelled eggs maintained out in ambient temperature measured between 70F to 80F. Per employee, items were kept out during the lunch rush for approximately 30 minutes.

[CA] PHFs shall be held at 41°F or below or at 135°F or above. [COS] Items were relocated to the three-door reach-in refrigerator to immediately cool.

Follow-up By
12/09/2022

K15 - 8 Points - Food not obtained from approved source; 113980, 113982, 114021-114031, 114041

Inspector Observations: Observed facility offering food for sale to customers. Observed to-go containers of soups/stews inside the two-door upright freezer. Observed soiled serving plates and bowls with eaten food from customers. Facility does not have the approved equipment to be conducting food preparation (ventilation hood, food preparation sink, cooking equipment, etc.)

Follow-up By
12/09/2022

In addition, facility is categorized as a FP09 - Risk Category 1. Facility is only approved to:

- Serve or sell non-PHF.
- Prepare only non-PHF.
- Heat only commercially processed PHF for hot holding (no cooking).
- Perform only cold-holding of PHF for dispensing.

[CA] Food must be from an approved source or properly documented. Facility is to immediately cease and desist preparation and sale of food until approval from this Division is obtained.

Minor Violations

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

Inspector Observations: Manager's five-year Food Safety Certificate (FSC) unavailable for review. [CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times. Provide within 60 days.

Employees' three-year food handler cards unavailable for review. [CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

Inspector Observations: Kitchen employee observed eating while conducting cleaning and other kitchen duties. Employee then placed personal bowl of food inside the microwave.[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.

K14 - 3 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

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Inspector Observations: Kitchen employee conducting manual ware washing in approved steps but in incorrect order: employee washed utensils with soap, dipped utensils in sanitizer solution, and then conducted final rinse in water below placing items on the drain board to air dry.

[CA] Manual warewashing shall be accomplished by using a three-compartment sink where the utensils are first precleaned, washed with hot soapy water, rinsed with hot water, sanitized with an approved method, and air dried. Use 1 TBS of bleach (5.25%) per 1 gal. of water for chlorine solution (100 PPM). Use 1 tbs of quaternary ammonium (10%) per 2 gal. of water for quaternary ammonium (200 PPM). Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.

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 faucet at the hand wash station is inoperable. Per manager the faucet is loose. **[CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.**

**** Repeat violation ****

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

Inspector Observations: Two bags of raw shrimp thawing in ambient temperature under the food preparation table. **[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.**

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

Inspector Observations: Two butane burner stoves maintained in the kitchen used to conduct food preparation. Observed heavy accumulation of grease on walls behind burners. Facility lacks ventilation hood **[CA] Provide approved exhaust hood ventilation over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors.**

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: Employee's cellphone and car keys maintained inside container of clean napkins. **[CA] Employee's personal effects (cell phone, car keys, and jackets) shall be stored in employee lockers or other designated areas for employee storage.**

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

Inspector Observations: Heavy build-up of debris observed on floor underneath equipment. Heavy accumulation of grease observed on wall behind where unapproved cooking and food preparation is being conducted. **[CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.**

Performance-Based Inspection Questions

- Needs Improvement - Proper eating, tasting, drinking, tobacco use.
- Needs Improvement - Demonstration of knowledge; food manager certification.
- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Food obtained from approved source.

Measured Observations

Item	Location	Measurement	Comments
Hot water	Three-compartment sink	120.00 Fahrenheit	
Chlorine sanitizer	Three-compartment sink	100.00 PPM	

Overall Comments:

- Two or more major violations were observed during the routine inspection.

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- A follow-up inspection will be conducted to verify compliance of all major violations.

- Subsequent follow-up inspection after first follow-up shall be billed \$219/hour during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$493/hour during non-business hours, and upon inspector availability.

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 **12/20/2022**. 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: Tran Nguyen
Owner
Signed On: December 06, 2022