

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 FA0271201 - CUP N CONE		Site Address 1334 S MARY AV, SUNNYVALE, CA 94087		Inspection Date 01/29/2025	
Program PR0409403 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			Owner Name RAUT, CHET		Inspection Time 13:15 - 16:35
Inspected By JESSICA ZERTUCHE	Inspection Type ROUTINE INSPECTION	Consent By HAMIDE AND METIN	FSC Not Available		

Placard Color & Score

YELLOW

40

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		X			N
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	X			S
K15 Food obtained from approved source		X		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	X	
K28 Fruits and vegetables washed		
K29 Toxic substances properly identified, stored, used		
K30 Food storage: food storage containers identified	X	
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	X	
K35 Equipment, utensils: Approved, in good repair, adequate capacity	X	
K36 Equipment, utensils, linens: Proper storage and use	X	
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use	X	
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	X
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: The following handwashing facilities violations were observed:
No paper towels at sink by cafe area. No soap at sink by ice cream area. No paper towels at sink in kitchen area.
[CA] - All handwashing facilities shall be fully stocked with soap and paper towels at all times
[COS] - Soap and paper towels provided. Install dispenser at cafe area.

Follow-up By
01/31/2025

Facility removed the handwash sink by the cafe area and is now utilizing the prep sink for handwashing. Facility shall reinstall the handwash sink and use the prep sink for food preparation only.

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

Inspector Observations: 1. Found cooked tomatoes on the stove measuring 68F. Per owner it was cooked this morning and is held at room temperature then reheated when ordered.
[CA] - Maintain hot potentially hazardous foods at 135F or above
[COS] - Tomatoes reheated to 165F. Recommend obtaining a soup warmer to hold hot tomatoes. Also OK to maintain hot on the stove.

Follow-up By
01/31/2025

2. Found a container of yogurt on the counter measuring 55F. Cheese in the refrigerator inserts measured at 44F and appeared to be overfilled.
[CA] - Maintain cold potentially hazardous foods at 41F or below
[COS] - Yogurt was placed back in the refrigeration unit. Do not overfill the inserts.

3. At the cafe area, observed baked bread with feta or meat filling stored at room temperature, measured at 85F.
[CA] - Maintain hot potentially hazardous foods at 135F or above OR cool and maintain at 41F or below.
[COS] - Facility shall sell all breads no later than 6pm and discard any leftovers.

Facility also has option to utilize TIME AS A PUBLIC HEALTH CONTROL: 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.
Template for procedures provided.

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

Inspector Observations: Facility produces ice cream. Observed a room to manufacture ice cream within the right walk in cooler. Per owners, an employee from Cup N Cone came last Thursday to prepare ice cream. A call was attempted to contact this person, however he was unable to produce license.
[CA] Food must be from an approved source or properly documented. Food facility shall maintain a valid license from California Department of Food and Agriculture (Milk and Dairy Food Safety branch) to manufacture ice cream.
[COS] - Facility shall cease and desist preparing, selling or offering of ice cream prepared at this facility.
OK to purchase ice cream from an approved source.

Follow-up By
01/31/2025

Minor Violations

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

Inspector Observations: Food safety manager certificate it not available
[CA] - At least one person, owner or employee, shall maintain a valid food safety manager certificate. Keep certificate at facility available for review at all times.

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

Inspector Observations: Measured zero chlorine sanitizer inside the mechanical dishwasher
[CA] - Ensure mechanical dishwasher provides 50ppm chlorine sanitizer
[SA] - Use the 3-compartment sink for sanitizing.

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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 not available to the handwash sink by cookline or the 3-comp sink in ice cream room.

[CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility, except handwash sinks are minimum 100°F.

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

Inspector Observations: Observed multiple fruit flies in the sink of the ice cream room

[CA] - ELiminate all flies from the facility.

Highly recommend an integrated pest control management plan.

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

Inspector Observations: Observed cutting board for slicing bread immediately next to POS (point of sale), no protection or sneeze guard provided.

[CA] - All food shall be separated and protected from possible contamination.

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations: Found bulk bins missing labels

[CA] Working containers holding food or food ingredients that are removed from their original packages shall be identified with the common name of the food if not easily recognizable.

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

Inspector Observations: Found food debris and accumulation on the exterior of the bulk food containers

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

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: Test strips not available to check sanitizer

[CA] - Provide appropriate test strips to check sanitizer levels.

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: Observed non-commercially rated food equipment, such as coffee grinders.

[CA] New and/or replacement food equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation).

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

Inspector Observations: 1. Found utensils and food equipment stored on top of the grease interceptor.

[CA] - Do not store utensils or equipment on areas subject to contamination. Provide additional shelving.

2. Observed ice cream scoops stored in dipper well, however it was not on. Water measured at 63F and old food debris was inside.

[CA] - Keep the dipper well on at all times, water shall be maintained at 135F or above.

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

Inspector Observations: One light fixture is inoperable in the kitchen. Four out of the five lights under the hood are inoperable

[CA] - Replace inoperable light fixtures. Facility shall have adequate lighting

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

Inspector Observations: Observed probe thermometer is not functional.
[CA] - Ensure an accurate probe thermometer is available to the food handler at all times.

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

Inspector Observations: Drain line to ice machine does not have an air gap.
[CA] - Ice machine shall discharge liquid waste by means of indirect waste pipes into a floor sink with a minimum 1" air gap.

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

Inspector Observations: Observed food debris build up on the floors and floor sinks
[CA] - Clean all floors and floor drains regularly.

K48 - 2 Points - Plan review unapproved; 114380

Inspector Observations: Observed new equipment within facility, such as an Autochlor under counter dishwasher (with no drainboards), ice machine, a mixer and oven. Observed one handwash sink was removed from the cafe area. Also right walk in cooler was converted into a ice cream prep room with a handwash sink (no soap or paper towels), 3-comp sink (no hot water) and ice cream machine.
[CA] Submit plans to this department for the addition and removal of equipment for approval.

Per our records, the water heater is a 9kW (combined). Unable to verify as a shelf was built in front of the water heater and it is inaccessible. Facility may need to upgrade their water heater to be sufficient for this facility. Facility utilizes reusable plates and recently installed an undercounter water heater.

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

Inspector Observations: --48 HOUR NOTICE--
Our records indicate this facility is operating without a valid permit. New facility name is "NAHITA BAKERY" per owner they began operating one year ago with approval from the previous owner.
[CA] - Submit an application online within 48 hours. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.

Follow-up By
01/31/2025

A facility found to be in continued operation without a permit may incur a penalty up to three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.
 Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

Item	Location	Measurement	Comments
quat sanitizer	3-comp	200.00 PPM	
cut tomatoes	prep unit inserts	40.00 Fahrenheit	
cheese	prep unit inserts	44.00 Fahrenheit	
ambient air	chest freezer	2.00 Fahrenheit	
warm water	restroom	100.00 Fahrenheit	
sausage	walk in	37.00 Fahrenheit	
hot water	3-comp	121.00 Fahrenheit	
milk	display case	40.00 Fahrenheit	

Overall Comments:

***48 HOUR NOTICE PROVIDED. SUBMIT APPLICATION ONLINE, VISIT OUR WEBSITE:**
<https://deh.santaclaracounty.gov/food-and-retail/compliance-retail-food-operations/food-safety-program/food-facility-evaluation>

NEW FACILITY NAME: Nahita Bakery

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NEW OWNER NAME: Hamide Ozenc eskili

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 2/12/2025. 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.

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: Hamide Ozenc eskili
owner

Signed On: January 29, 2025