

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 FA0301612 - ELEMENT BY WESTIN SAN JOSE MILPITAS		Site Address 521 ALDER DR, MILPITAS, CA 95035		Inspection Date 05/12/2026		Placard Color & Score GREEN 83		
Program PR0443025 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name LD MILPITAS PROPERTY, LL		Inspection Time 08:55 - 10:30			
Inspected By MAVERICK CHIN		Inspection Type ROUTINE INSPECTION		Consent By PATRICIA				FSC Aurora Salas 02/13/2030

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	X			N
K06	Adequate handwash facilities supplied, accessible	X						
K07	Proper hot and cold holding temperatures		X		X			S
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						S

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		X
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		
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:

Rice measured 83F while maintained in a warmer at the self-service line. Per staff, it had been placed there 3 hours prior.

Various milks measured between 41F and 49F while maintained on a cold plate at the self-service line.

***Note: Consider subjecting items to time as a public health control (4-hour rule) if they are unable to be maintained at proper holding temperatures**

Raw shell eggs measured 55F while maintained in an improper ice bath at the grill station. Per staff, eggs had been taken out of refrigeration 2 hours prior. Staff states that they usually utilize the eggs quickly; however, due to an alternative special being offered today, the eggs had gone mostly used.

Numerous potentially hazardous foods measured between 47F and 49F while maintained in the walk-in cooler. Ambient of the unit measured 47F via probe. Per staff, the elevated temperature of the unit was due to staff opening and closing the unit during deliveries earlier this morning. Employee stated that the unit had measured at 41F earlier this morning. Spoke with the PIC, who states that the walk-in cooler has been having issues and they currently have an order filed to replace the condenser unit.

[CA] Potentially hazardous foods shall be held at 41F or below, or at 135F or above to prevent the growth of bacteria.

[COS] Rice and milk were discarded at the end of breakfast service (9:30AM, i.e. within 4 hours of initially leaving temperature control). Raw shell eggs relocated to refrigeration. After leaving the door of the walk-in closed for approximately 45 minutes, ambient of the unit measured 47F via probe. Employees relocated all potentially hazardous foods in the walk-in cooler to alternative refrigeration units.

Minor Violations

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

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Inspector Observations:

Employee observed handling dirty dishes, then attempted to handle clean dishes that had been ran through the mechanical dishwasher before being stopped.

Employee observed cracking raw shell eggs, then proceeded to handle containers of food and attempted to handle clean bowls before being stopped.

Employee observed picking up a utensil from the floor, then returned to food preparation without changing gloves or washing hands.

[CA] Employees shall wash their hands in all of the following scenarios:

- (1) Immediately before engaging in food preparation, including working with nonprepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.*
- (2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.*
- (3) After using the toilet room.*
- (4) After caring for or handling any animal allowed in a food facility pursuant to this part.*
- (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.*
- (6) After handling soiled equipment or utensils.*
- (7) During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.*
- (8) When switching between working with raw food and working with ready-to-eat food.*
- (9) Before initially donning gloves for working with food.*
- (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.*
- (11) After engaging in other activities that contaminate the hands.*

[COS] Employee changed gloves and properly washed their hands.

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

Inspector Observations:

Excessive buildup of coffee staining on the metal shelving in the cabinet located underneath the coffee dump sink in the kitchen.

[CA] Maintain clean to prevent the attraction of vermin.

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:

Staff could not provide a method for testing the high temperature sanitizing rinse of the mechanical dishwasher.

[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.

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 of the walk-in cooler measured 47F via probe.

[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.**Performance-Based Inspection Questions**

Needs Improvement - Hands clean/properly washed/gloves used properly.

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Measured Observations

Item	Location	Measurement	Comments
hot water	three compartment sink	120.00 Fahrenheit	
sliced cheese	walk-in cooler	49.00 Fahrenheit	
greek yogurt	two-door reach-in cooler	38.00 Fahrenheit	
hard boiled egg	drawer coolers - grill station	38.00 Fahrenheit	
high temperature sanitizing rinse	mechanical dishwasher	161.00 Fahrenheit	
quaternary ammonium sanitizer	three compartment sink	200.00 PPM	
ambient	walk-in cooler	47.00 Fahrenheit	
hot water	prep sinks	120.00 Fahrenheit	
shredded cheese	upright cooler - grill station	30.00 Fahrenheit	
pooled eggs	upright cooler - grill station	29.00 Fahrenheit	
chorizo	drawer coolers - grill station	38.00 Fahrenheit	
canadian bacon	upright cooler - back kitchen	41.00 Fahrenheit	
greek yogurt	yogurt self-service refrigerator	41.00 Fahrenheit	
warm water	hand sink - front kitchen	100.00 Fahrenheit	
bagels	one-door reach-in cooler	41.00 Fahrenheit	no PHF
quaternary ammonium sanitizer	wiping cloth buckets	200.00 PPM	
warm water	hand sink - back kitchen	100.00 Fahrenheit	
whole milk	cold plate - self-service line	49.00 Fahrenheit	41F-49F
turkey bacon	upright cooler - back kitchen	41.00 Fahrenheit	
milk	walk-in cooler	49.00 Fahrenheit	

Overall Comments:

Breakfast service: 6:30 AM to 9:30 AM

Discussed possible use of time as a public health control with operators.

A follow-up inspection may be conducted to ensure that the walk-in cooler is capable of maintaining at 41F or below during all hours of operation. Business card provided.

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 **5/26/2026**. 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: Alex
Front Desk Supervisor
Signed On: May 12, 2026