

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 FA0286911 - HAPPY LEMON		Site Address 279 W CALAVERAS BL, MILPITAS, CA 95035		Inspection Date 08/29/2023	
Program PR0430294 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name CHUAN BIAN		Inspection Time 13:25 - 15:00
Inspected By NHA HUYNH		Inspection Type ROUTINE INSPECTION		Consent By MICHAEL CHAN	
FSC Not Available					

Placard Color & Score
GREEN
79

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

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations:

MAJOR: Restroom lacked paper towels and handwash soap. [Corrective Action] Ensure paper towels and soap are stocked at all times. [Suitable Alternative] Employee placed loose paper towels near the handwash sink and placed a pump bottle of soap at the handwash sink.

MAJOR: Handwash sink at the service area lacked paper towels. The paper towel dispenser appeared to have fallen off the wall as well. [Corrective Action] Re-mount the paper towel dispenser and maintain stocked with paper towels at all times. [Suitable Alternative] Employee placed loose paper towels on top of the paper towel dispenser.

Minor: The handwash sink in the kitchen is completely blocked by paper towel dispenser and clothing stored in the sink. Per employee, the sink is broken and all employees wash hands in the service area. [Corrective Action] Repair handwash sink and maintain clean and clear at all times.

Minor Violations

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

Inspector Observations:

Expired Food Safety Certification. [Corrective Action] 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.

Food Handler's Card not available for review. [Corrective Action] 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.

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

Inspector Observations:

Observed employee washing hands with glove on. [Corrective Action] Properly wash hands by removing gloves.

K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations:

Boba at the service area was not marked with a discard time. Per employee, The boba was cooked an hour prior to the start of the inspection and facility normally leave boba at room temperature for no more than 2 hours. [Corrective Action] 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.[Corrected on Site] Employee placed a discard time of 2:40 pm on the container of boba.

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

Inspector Observations:

Heavy dust accumulation on the ventilation screen on the ceiling in the kitchen and restroom. [Corrective Action] Routinely clean.

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

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Inspector Observations:

Missing ceiling panel in the kitchen. [Corrective Action] Install the ceiling panel.

Black mold like substance in the floor sink under sink at service area and under the 3 compartment sink.

[Corrective Action] Routinely clean.

Light fixture does not appear to be flushed with the ceiling panels at the customer pick-up area. [Corrective Action]

Ensure the light fixture is properly mounted.

Performance-Based Inspection Questions

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

Measured Observations

Item	Location	Measurement	Comments
milk	2 door undercounter unit	38.00 Fahrenheit	
hot water	handwash sink	103.00 Fahrenheit	
hot water	3 compartment sink	123.00 Fahrenheit	
taro	2 door prep unit	38.00 Fahrenheit	
tofu, milk	3 door upright unit	36.00 Fahrenheit	

Overall Comments:

Beef, shrimp, octopus balls, fish balls, cheese fish tofu stored in the 2 door upright freezer is for another facility the owner operates.

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 **9/12/2023**. 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

Michael Chan

Received By: Michael Chan
Employee

Signed On: August 29, 2023