

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 12/28/2023	
Program PR0301815 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			Owner Name NGUYEN, TRAN		Inspection Time 12:10 - 13:20
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By DONNA	FSC Not Available		

Placard Color & Score
YELLOW
60

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						
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		
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				N
K15 Food obtained from approved source		X		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	X	
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	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		
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

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

Inspector Observations: Plastic container with approximately 10 raw shelled eggs maintained out in ambient temperature at the food preparation table measured at 78F.

Follow-up By
01/02/2024

Case of raw shelled eggs maintained below the food preparation table measured at 78F.

Plastic container with to-go cups with sliced fancy pork, sliced pork belly, sliced Chinese sausage maintained out in ambient temperature. Employees relocated container into the reach-in refrigerator upon this Division's arrival. Item measured at 75F.

Kitchen employee stated that all items were prepared and/or taken out at 9:00 AM, approximately 3 hours prior.

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

[COS] All items were relocated into the reach-in refrigerator to immediately cool.

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

Inspector Observations: Observed facility preparing/offering food for sale to customers:

Follow-up By
01/02/2024

- Two butane stoves with heavy accumulation of grease on walls behind.
- Numerous soiled pots and pans placed on the bottom of the food preparation table with accumulation of grease on the underside of the table and on wall behind.
- Prepackaged beef thawing in ambient temperature.
- Rice cooker in use.
- Domestic counter-top deep fryer.
- Domestic toaster oven with bread inside.
- Numerous bags of frozen fried foods maintained inside two-door upright freezer.

Facility does not have the proper equipment (ventilation hood, food preparation sink, approved cooking equipment, etc.) In addition, facility is categorized as FP09 - Risk Category 1.

[CA] Food must be from an approved source or properly documented.

[COS] Facility is to immediately cease and desist all food preparation.

**** Repeat violation.**

Minor Violations

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

Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate 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.

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.

**** Repeat violation**

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

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Inspector Observations: Men's restroom lacked paper towels.

[CA] Single-use sanitary towels shall be provided in dispensers; heated-air hand drying device may be substituted for single-use towels.

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: Kitchen employee conducting manual ware washing in approved steps but in incorrect order: employee first washed and rinsed multi-use utensils with soap, soaks utensils inside chlorine sanitizer solution, and then relocates into basin with just water before placing on rack 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).

**** Repeat violation.**

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

Inspector Observations: 10+ old rodent droppings observed on floor at the corner in the dry storage room beneath storage shelves and near pressure cooker and rice cooker, also maintained on the floor.

Rodent droppings observed on the floor leading to the restrooms and janitorial room below storage shelf and behind cardboard boxes.

Pest control report was unavailable for review.

No live activity was observed at time of inspection.

[CA] Clean and sanitize area of old droppings.

K24 - 2 Points - Person in charge not present and not performing duties; 113945-113945.1, 113984.1, 114075

Inspector Observations: Manager or "person in charge" (PIC) not available at time of inspection.

[CA] A "person in charge" who is responsible for operation of facility shall be present at the food facility during all hours of operation.

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

Inspector Observations: Prepackaged raw beef thawing in ambient temperature in bus tub below 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.

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: Numerous domestic kitchen equipment in use.

- Toaster oven, microwave, pressure cooker, butane burners, counter-top deep fryer.

[CA] Butane burners and deep fryer is not approved for use - facility does not have adequate ventilation hood system. Items shall be removed from facility.

Make plans to replace toaster oven and microwave with commercial grade equipment. 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).

Follow-up By 01/02/2024

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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: *Two butane burner stoves maintained in the kitchen used to conduct food preparation.*
[CA] *Provide approved exhaust hood ventilation over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors.*

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

Inspector Observations: *Men's restroom door maintained opened and lacked self-closing device.*
[CA] *Toilet rooms shall be separated by well-fitted, self-closing doors that prevent the passage of flies, dust, or odors.*

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 floors underneath equipment throughout facility. Heavy accumulation of grease observed on wall and ceiling above food preparation table where butane stoves were maintained.*
[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 - Food contact surfaces clean, sanitized.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Demonstration of knowledge; food manager certification.
- Needs Improvement - Food obtained from approved source.

Measured Observations

Item	Location	Measurement	Comments
Milk	Merchandiser refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	122.00 Fahrenheit	
Chlorine sanitizer	Three-compartment sink	100.00 PPM	
Ambient	Two-door upright freezer	5.00 Fahrenheit	

Overall Comments:

- *Two or more major violations were observed during the routine inspection.*
- *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 \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$629/hour, minimum two hours, during non-business hours, and upon inspector availability.*
- *The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.*
- *Facility is conducting food preparation - facility's permit will be upgraded to FP10 effective immediately.*
- *A person proposing to build or remodel a food facility shall submit plans and specifications for review and shall receive plan approval prior to starting any new construction or remodeling. Contact DEH at 408-918-3400 or at www.ehinfo.org to obtain plan check requirements.*

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 **1/11/2024**. 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.

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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: Viet
PIC

Signed On: December 28, 2023