

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 FA0304838 - BAY SPA - SNACK BAR		Site Address 2908 EL CAMINO REAL 160, SANTA CLARA, CA 950		Inspection Date 03/17/2026		Placard Color & Score GREEN 74		
Program PR0448442 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name FCL, INC		Inspection Time 14:15 - 15:45			
Inspected By KATHY VO		Inspection Type ROUTINE INSPECTION		Consent By EMANUEL				FSC Michelle Cho 11/13/2028

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						
K06	Adequate handwash facilities supplied, accessible	X						S
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	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		
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		X
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		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		
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: 1) Measured shelled eggs on the preparation counter at 68F. Per employee, shelled eggs were removed from refrigeration 3 hours prior to temperature measurement. [CA] Potentially Hazardous Foods shall be kept at 41F or below or 135F or above. [SA] Eggs were relocated to the under counter refrigeration to facilitate rapid cooling.

2) Measured boba on the preparation counter at 72F. Per employee, boba was cooked 3 hours prior to temperature measurement and will be discarded within the next hour. No time markings observed. [CA] Potentially Hazardous Foods shall be kept at 41F or below or 135F or above. [SA] Boba was time marked to be discarded within 4 hours of initial cooking or removal from temperature. Completed TPHC documentation during inspection.

Minor Violations

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

Inspector Observations: Actively working employees lack food handler cards for review. Food handler cards are expired. [CA] All food handlers shall maintain a valid food handler card for the duration of their employment as a food handler. Food handler cards shall be available for review.

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: In the 2-door preparation unit, observed fish cake cooling in a deep container while fully covered in plastic wrapping. [CA] After heating or hot holding, Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.

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 sanitizer concentration in the 3-compartment sink at 0 ppm chlorine. No active warewashing at the time of inspection. Employee stated they recently changed out the water. [CA] 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. [COS] Sanitizer concentration was adjusted to 100 ppm during inspection.

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Observed the cold water knob for the handwash sink in the kitchen is currently inoperable. Per employee, the handwash sink has been in disrepair since last week and is currently being repaired. Nearby handwash sink and the wash-compartment of the 3-compartment sink is available for handwashing. [CA] Repair cold water knob so that water can be adjusted to properly wash hands. Handwashing facilities shall be equipped to provide water (100°F) under pressure for a minimum of 15 seconds through a mixing valve or combination faucet.

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 shelving nearby the cook line is lined with soiled aluminum foil. [CA] Discontinue the usage of aluminum foil. Use approved equipment and shelving made of materials that is easily cleanable, durable, smooth, and nonabsorbent.

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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) Observed working utensils are stored in standing water. [CA] Utensils shall be stored in the following manner: 1) in the food with their handles above the top of the food and the container, 2) in running water, 3) in a container of water at 135°F or above, 4) at room temperature if washed within 4 hours of initial use.

2) Observed bowls without handles used as scoops inside bulk ingredient bins. [CA] Provide scoops with handles to prevent direct hand contact with food. Store handles in such a way to prevent contamination.

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: Observed leak in the plumbing underneath the handwash sink. [CA] Repair leak. Plumbing fixtures shall be maintained in good repair.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
beansprouts	1-door upright cooler	41.00 Fahrenheit	
beansprouts	2-door upright cooler (front)	41.00 Fahrenheit	
water	handwash sink	100.00 Fahrenheit	
water	3-compartment sink	120.00 Fahrenheit	
sanitizer (chlorine)	3-compartment sink	0.00 PPM	Adjusted to 100 ppm.
milk	1-door under counter	41.00 Fahrenheit	
rice	2-door upright cooler (kitchen)	48.00 Fahrenheit	Cooling. Per employee, cooked 3 hours prior.
tofu	2-door preparation unit (cook line)	41.00 Fahrenheit	
ambient	2-door upright freezer	5.00 Fahrenheit	
water	preparation sink	120.00 Fahrenheit	
rice	rice cooker	166.00 Fahrenheit	
shelled eggs	preparation counter	68.00 Fahrenheit	
fish cake	2-door preparation unit	103.00 Fahrenheit	Cooling. Per employee, cooked 30 minutes prior.

Overall Comments:

Completed TPHC documentation for boba during inspection.

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 3/31/2026. 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: Emanuel Cruz
Assistant Manager
Signed On: March 17, 2026