

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 FA0263041 - SUBWAY 41311		Site Address 1701 STORY RD 80, SAN JOSE, CA 95122		Inspection Date 10/10/2022	
Program PR0387418 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name HAPPYSTORE1, INC.		Inspection Time 15:00 - 16:00
Inspected By HELEN DINH	Inspection Type ROUTINE INSPECTION	Consent By ANA & AHMED (PHONE-OWNER)	FSC Nayali Peralta 10/14/23		

Placard Color & Score
RED
84

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				N
K07 Proper hot and cold holding temperatures			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						
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					N
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		
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	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

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Measured water temperature holding between 88F -89F at warewash sink. Per operator, warm water has been leaking since Saturday at mop sink. [CA] Provide an adequate, pressurized, potable supply of hot water at a minimum of 120F for all sinks with the exception of hand wash sink to be held between 100F - 108F.

Follow-up By
10/14/2022

Minor Violations

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

Inspector Observations: Found paper towel stuck at hand wash station located in prep area. Observed another paper towel row outside of dispenser. Per operator, another paper towel dispenser was purchased. [CA] Single-use sanitary towels shall be provided in dispensers.

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: Measured the following PHFs holding between 45F - 46F for less than 4 hours in sandwich prep unit: sliced ham, sliced turkey, chicken, pepperoni, salami and cheese. [CA] Maintain all PHFs cold held at or below 41F.

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: 1. Observed mop sink leaking warm water during inspection. Water is unable to shut off. 2. Observed a leaking goose neck faucet at 1-compartment sink. [CA] Repair leak, ensure water shuts off when water knob is off.

Performance-Based Inspection Questions

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

Measured Observations

Item	Location	Measurement	Comments
salami	sandwich prep	45.00 Fahrenheit	
sliced ham	sandwich prep	46.00 Fahrenheit	
pepperoni	sandwich prep	45.00 Fahrenheit	
shredded meat	sandwich prep	41.00 Fahrenheit	
sliced tomato	2 door reach in	40.00 Fahrenheit	
sliced tomato	sandwich prep	41.00 Fahrenheit	
tuna	sandwich prep	41.00 Fahrenheit	
chicken	sandwich prep	45.00 Fahrenheit	
hot water	warewash/1-comp/mop	88.00 Fahrenheit	between 88F - 89F
pastrami	2 door reach in	41.00 Fahrenheit	
chicken	2 door reach in	40.00 Fahrenheit	
warm water	handsink (front, prep & RR)	88.00 Fahrenheit	between 88F - 89F
beef	sandwich prep	41.00 Fahrenheit	
ambient	walk-in	41.00 Fahrenheit	
sliced tomato	walk-in	48.00 Fahrenheit	diligent prep
slice turkey	sandwich prep	46.00 Fahrenheit	
sliced cheese	sandwich prep	45.00 Fahrenheit	between 45F - 46F.

Overall Comments:

****Facility is hereby closed due NO hot water. Once the violation warranting the closure has been corrected, contact environmental health specialist Helen Dinh at 408/918-2920 or the main office at 408/918-3400 for a follow up inspection.****

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Facility shall cease and desist all sales.

A follow up inspection shall be conducted.

Subsequent follow up inspection after first follow up shall be billed \$219/hr during business hours and \$493/hrs (minimum of 2 hours) during nonbusiness hours upon availability.

Consulted with Elizabeth Tobin.

CLOSURE / PERMIT SUSPENSION NOTICE

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 **10/24/2022**. 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.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

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: Ana Uribe
Cashier
Signed On: October 10, 2022