

# 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<br>FA0288072 - CHICK & TEA                                      |                                       | Site Address<br>587 E EL CAMINO REAL, SUNNYVALE, CA 94087 |                                   | Inspection Date<br>04/11/2024 |                                  |
| Program<br>PR0431959 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10 |                                       |   | Owner Name<br>C & T SUNNYVALE INC |                               | Inspection Time<br>11:20 - 13:25 |
| Inspected By<br>SUKHREET KAUR  | Inspection Type<br>ROUTINE INSPECTION |   | Consent By<br>JOSEPH              | FSC Not Available             |                                  |

|                       |
|-----------------------|
| Placard Color & Score |
| <b>YELLOW</b>         |
| <b>69</b>             |

| 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  |       |       |        |     |     |     |
| 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     |       | X      |     |     | N   |
| 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                                    | X   |     |
| 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                    | 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                           | X   |     |
| 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

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

**Inspector Observations: \*Repeat violation**

**Measured half fried chicken, sausage at 76-90F stored next to fryer. Per PIC, it is fried at 11 AM to use during the lunch hours.**

**[CA] Maintain PHFs at 41F or below or 135F or above. OR 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.**

**[COS] PIC time marked the food items to use within 4 hours from when it was taken out of temperature control.**

**Measured raw pork at 52F next to cookline.**

**[CA] Maintain PHFs at 41F or below or 135F or above.**

**[COS] PIC provided ice bath for raw pork container.**

Follow-up By  
04/16/2024

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

**Inspector Observations: Boba is stored on prep counter without any time marking. Per PIC, it is made at 11 AM and discarded at 2:30 PM if not used.**

**[CA] 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.**

**[COS] PIC time marked the boba container.**

Follow-up By  
04/16/2024

### Minor Violations

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

**Inspector Observations: \*Repeat violation**

**Lack of food manager certificate. Lack of food handler cards for some employees.**

**[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.**

**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.**

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

**Inspector Observations: Observed open bulk food bag stored on racks next to front counter**

**[CA] Store open bulk foods in approved NSF containers with tight fitting lids.**

**Move open food bag inside the kitchen.**

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

**Inspector Observations: Accumulation of food debris, grime, spider webs and dust under and on sides of refrigeration equipment, hand wash sinks, three compartment sinks and cooking equipments.**

**[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.**

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: Cardboard is used as floor liner at cookline area.**

**[CA] Discontinue the use of cardboard boxes to line shelves/flooring, use approved equipment made of materials that is easily cleanable, durable, smooth, and nonabsorbent.**

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

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**Inspector Observations: Heavy accumulation of grease on ventilation hood filters.**

**[CA] Clean mechanical exhaust hood and/or filters of grease accumulation.**

**Some lights under ventilation hood are not working.**

**[CA] Replace the light bulbs.**

K42 - 2 Points - Garbage and refuse improperly disposed; 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8

**Inspector Observations: Observed open lids of garbage containers behind the facility.**

**[CA] Garbage/refuse container lids shall be kept closed when not in use.**

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

**Inspector Observations: Accumulation of dust, grease, food debris under cookline equipment, three compartment sink and other equipment in the facility.**

**[CA] Floors in food preparation area shall be kept clean.**

**Observed open hole on ceiling above three compartment sink and large opening above two door refrigerator near front hand wash sink.**

**[CA] Seal the holes to prevent vermin entry.**

## Performance-Based Inspection Questions

Needs Improvement - Time as a public health control; procedures & records.

Needs Improvement - Proper hot and cold holding temperatures.

## Measured Observations

| Item      | Location                   | Measurement       | Comments |
|-----------|----------------------------|-------------------|----------|
| Eggs      | Hot holding                | 145.00 Fahrenheit |          |
| Hot water | Three compartment sink     | 120.00 Fahrenheit |          |
| Milk      | Under counter refrigerator | 41.00 Fahrenheit  |          |
| Tofu      | Two door refrigerator      | 40.00 Fahrenheit  |          |
| Pork      | Hot holding                | 140.00 Fahrenheit |          |
| Raw meat  | Two door refrigerator      | 40.00 Fahrenheit  |          |
| Water     | Hand wash sink1            | 100.00 Fahrenheit |          |
| Rice      | Hot holding                | 135.00 Fahrenheit |          |

## Overall Comments:

**Follow-up inspection will be conducted on 4/16/24 to follow up on major violations. Ensure major violations are corrected and kept in compliance. Failure to comply will result in second re-inspection charged at \$290/hr for a minimum 1 hour charge, billed to facility. Do not remove, discard, cover-up or tamper with yellow placard. Failure to comply will result in enforcement actions. Contact district specialist at 4089183460 to schedule follow-up 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 **4/25/2024**. 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



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**Received By:** Joseph  
Manager

**Signed On:** April 11, 2024