

# 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

|                                                                                 |  |                                                                      |                               |                                      |                                         |                                                                                                                                                    |  |                          |
|---------------------------------------------------------------------------------|--|----------------------------------------------------------------------|-------------------------------|--------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------|
| <b>Facility</b><br>FA0306888 - LYU & KIM INC                                    |  | <b>Site Address</b><br>82-96 E SANTA CLARA ST K110, SAN JOSE, CA 951 |                               | <b>Inspection Date</b><br>02/27/2025 |                                         | <b>Placard Color &amp; Score</b><br><div style="background-color: yellow; padding: 10px; text-align: center;"> <b>YELLOW</b><br/> <b>41</b> </div> |  |                          |
| <b>Program</b><br>PR0450301 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10 |  |                                                                      | <b>Owner Name</b><br>KWAN KIM |                                      | <b>Inspection Time</b><br>15:30 - 16:50 |                                                                                                                                                    |  |                          |
| <b>Inspected By</b><br>ALEXANDER ALFARO                                         |  | <b>Inspection Type</b><br>ROUTINE INSPECTION                         |                               | <b>Consent By</b><br>GARCIA          |                                         |                                                                                                                                                    |  | <b>FSC</b> Not Available |

  

| 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  |       |       |        |     |     | S   |
| K06                            | Adequate handwash facilities supplied, accessible                           |    | X     |       | X      |     |     | N   |
| K07                            | Proper hot and cold holding temperatures                                    |    | X     |       | X      |     |     |     |
| K08                            | Time as a public health control; procedures & records                       |    | X     |       | 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     |       | 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                                                        | X   |     |
| 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                              | X   |     |
| 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                                |     |     |
| K39                   | Thermometers provided, accurate                                                     | X   |     |
| 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                                      | X   |     |

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|                                                                          |                                   |                                                                 |                                  |
|--------------------------------------------------------------------------|-----------------------------------|-----------------------------------------------------------------|----------------------------------|
| Facility<br>FA0306888 - LYU & KIM INC                                    |                                   | Site Address<br>82-96 E SANTA CLARA ST K110, SAN JOSE, CA 95113 | Inspection Date<br>02/27/2025    |
| Program<br>PR0450301 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10 |                                   | Owner Name<br>KWAN KIM                                          | Inspection Time<br>15:30 - 16:50 |
| 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:

*At the only hand wash station the basin was obstructed by bottles and plates.*

*[CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.*

*[COS] Staff removed obstructions at time of the inspection.*

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

#### Inspector Observations:

*1. Japanese curry was found out of temperature control between 106-120°F. Per staff, they removed it from the stove about an hour ago would keep it luke warm for service.*

*2. One piece of chicken was found being held in a shallow pan next to the charbroiler and measured at 90°F at around 3:50 pm. Per staff they made it around 12 pm.*

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

*[COS] 1. The curry was reheated to 165 for hot holding*

*[COS] The chicken was discarded after 4 cumulative hours from removal of temperature control.*

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

#### Inspector Observations:

*Sushi rice was found with no time markings. Time as a Public Health Control procedures are on file.*

*[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] Rice was discarded. See VC&D report.*

K13 - 8 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

#### Inspector Observations:

*Reduced Oxygen Packaged Tuna fish was found thawing at ambient air on the prep sink's drainboard with its packaging intact. Per the manufacturers instructions on the packaging, the tuna is to be opened and thawed under refrigeration.*

*[CA] Food is adulterated if the food has been manufactured, prepared, or stored in a manner that deviates from a HACCP plan so as to pose a discernible increase in risk.*

*[COS] The tuna was discarded. See VC&D report.*

K14 - 8 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, 114125(b), 114141

#### Inspector Observations:

*Chlorine solution at the three compartment sink was measured at 0 ppm while actively ware washing.*

*[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*

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**concentration for at least 60 seconds.**

**[COS] The solution was adjusted to 100 ppm and dishes were resanitized.**

## Minor Violations

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

**Inspector Observations:**

**Repeat Violation: There is no Food Safety Certificate available upon request.**

**[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.**

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

**Inspector Observations:**

**1. In the walk in cooler raw eggs were found stored above ready to eat foods.**

**2. In the walk in freezer, raw animal derived foods were found stored above ready to eat foods, noodles.**

**[CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.**

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

**Inspector Observations:**

**In the basement storage area, on the wire rack, a large unlabeled container was found stored.**

**[CA] Food or food related equipment shall be stored in an approved fully enclosed food facility.**

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

**Inspector Observations:**

**The surfaces of refrigeration equipment and the toaster ovens have an accumulation of grime.**

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

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

**Inspector Observations:**

**Repeat Violation: Facility lacks testing materials for their choice of sanitizer, chlorine.**

**[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.**

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:**

**Facility has added non ANSI accredited equipment (mini coolers and toaster ovens).**

**[CA] 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).**

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

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**Inspector Observations:**

**Facility lacks a probe type thermometer to measure temperature of cooked and reheated foods.**

**[CA] An accurate easily readable metal probe thermometer (accurate to +/- 2°F) that is designed to measure the temperature of thin masses shall be provided and readily available to accurately measure the temperatures of potentially hazardous foods.**

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

**Inspector Observations:**

**There is a ceiling tile displaced and exposing the space above.**

**[CA] Ensure to maintain the floors, walls, and ceilings of the facility in good repair.**

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

**Inspector Observations:**

**The Environmental Health Permit is not posted within public view.**

**[CA] The health permit issued by this department shall be posted in a conspicuous place in the food facility.**

## Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

## Measured Observations

| Item        | Location               | Measurement       | Comments            |
|-------------|------------------------|-------------------|---------------------|
| Salmon      | Display Case Cooler    | 41.00 Fahrenheit  |                     |
| Sushi Rice  | Rice Bowl              | 90.00 Fahrenheit  |                     |
| Chicken     | Counter                | 90.00 Fahrenheit  |                     |
| Salmon      | Prep Sink Drainboard   | 28.00 Fahrenheit  | 39F at the exterior |
| Water       | Three Compartment Sink | 120.00 Fahrenheit |                     |
| Tuna        | Prep Sink Drainboard   | 44.00 Fahrenheit  |                     |
| Rice        | Rice Cooker            | 160.00 Fahrenheit |                     |
| Raw Chicken | Prep Cooler - Bottom   | 40.00 Fahrenheit  |                     |
| Chlorine    | Three Compartment Sink | 0.00 PPM          |                     |

## Overall Comments:

**Notes:**

**- A follow up inspection shall be conducted within 3 business days to determine compliance with violations noted. The first follow up inspection is free of charge. Any and all subsequent follow up inspections shall be charged at the approved hourly rate of \$298.00/hr, minimum of one hour, during normal business hours: Monday through Friday 7:30am to 4:30pm or \$645/hour minimum two hour during non business hours, and upon inspector availability.**

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 **3/13/2025**. 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 |

Garcia

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**Received By:** Adrian Garcia  
Cook  
**Signed On:** February 27, 2025