

# 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> FA0213892 - BLACK BEAR DINER		<b>Site Address</b> 415 E EL CAMINO REAL, SUNNYVALE, CA 94087		<b>Inspection Date</b> 11/03/2023		<b>Placard Color &amp; Score</b> <div style="background-color: green; color: black; padding: 10px; text-align: center;"> <b>GREEN</b>  <b>85</b> </div>		
<b>Program</b> PR0302624 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17			<b>Owner Name</b> SNS DINER, LLC		<b>Inspection Time</b> 13:00 - 14:15			
<b>Inspected By</b> SUHKREET KAUR		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> SERVANDO				<b>FSC SERVANDO ANAYA ZEPADA</b> 8/27/27

  

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				
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				
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		
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		X
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

No major violations were observed during this inspection.

### Minor Violations

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

**Inspector Observations: Measured cheese at 48F in upright refrigerator at cookline area. PIC moved cheese to drawer unit.**

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

**Measured ambient temperature of under counter two door unit at 55F near prep sink.**

**[CA] PHFs shall be held at 41°F.**

**[COS] PIC voluntarily discarded 2 small boxes of food, no more food present in the unit**

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

**Inspector Observations: Lack of warm water at two hand wash sinks located at cookline.**

**[CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.**

**[COS] Sinks repaired, hot water measures at 100F.**

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

**Inspector Observations: \*Repeat violation**

**Observed multiple fruit flies near dish machine area.**

**[CA] Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies.**

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: Ambient temperature of refrigeration unit for pastries at from measured 54. Ambient temperature of under counter two door refrigerator near prep sink measured at 55F.**

**[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. Repair the unit.**

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: Observed bowl used to scoop bulk food items.[CA] Use scoop with a handle and store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.**

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

**Inspector Observations: Observed unused equipment stored in back storage area.**

**[CA] Storage room shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.**

### Performance-Based Inspection Questions

N/A

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## Measured Observations

Item	Location	Measurement	Comments
Tri tip	Walk in cooler	41.00 Fahrenheit	
Burger patties	Drawer unit	40.00 Fahrenheit	
Soups	Soup well	140.00 Fahrenheit	
Water	Hand wash sinks at cookline	85.00 Fahrenheit	
Cut tomatoes	Walk in cooler	36.00 Fahrenheit	
Cheese	Upright refrigerator near cookline	48.00 Fahrenheit	moved to drawer unit
Hot water	Three compartment sink	127.00 Fahrenheit	
Sliced tomatoes	Prep unit at cookline	41.00 Fahrenheit	
Water	Hand wash sink near prep sink, warewash sink	100.00 Fahrenheit	
Milk	Single door refrigerator	41.00 Fahrenheit	

## Overall Comments:

### OWNERSHIP CHANGE INFORMATION

**NEW FACILITY NAME:** BLACK BEAR DINER SUNNYVALE

**NEW OWNER:** JENNIFER NUSHWAT

*The applicant has completed the change of ownership application process for an Environmental Health Permit.*

*The permit category for this facility is FP 17. An invoice for the permit fee in the amount of \$ 1,960.00 will be mailed to the billing address on the application. Payment must be submitted within 10 days of receipt of the invoice. The owner is responsible for contacting our department if an invoice is not received and remit payment within 30 days.*

*The Environmental Health Permit will be effective: 12/01/23 - 11/30/24. This report serves as a temporary permit. However, the permit will be deemed invalid if the permit fee is not paid in full within 30 days from the date of this report. Okay to Operate.*

*An official permit will be mailed to the address on file and shall be posted in public view upon receipt.*

*\*Structural Review inspection conducted on 11/03/23*

*\*Permit condition: N/A*

*\*Obtain food safety manager certificate within 60 days. All other food employees must have valid food handler cards within 30 days from hire date.*

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 **11/17/2023**. 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: Salvador Santiago

Signed On: November 03, 2023