

# 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 FA0286911 - HAPPY LEMON		Site Address 279 W CALAVERAS BL, MILPITAS, CA 95035		Inspection Date 05/17/2022	
Program PR0430294 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name CHUAN BIAN		Inspection Time 16:00 - 17:45
Inspected By FRANK LEONG	Inspection Type ROUTINE INSPECTION	Consent By MIUMIU PENG	FSC CHUAN BIAN 02/21/2023		

Placard Color & Score
<b>YELLOW</b>
<b>77</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						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				N
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						
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		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		
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		
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		

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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:** *At the front counter prep area, measured salted cheese at 60F. Per operator, salted cheese was removed from refrigeration 4 hours prior. [CA] Ensure potentially hazardous foods are held cold at or below 41F to prevent bacterial growth. [SA] Salted cheese was discarded by operator.*

Follow-up By  
05/20/2022

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations:** *In the front counter prep area, on the floors/cove base underneath the prep sink, observed live cockroach. In the kitchen area, below the 3 door reach in refrigerator, observed live cockroach between the outer right wheel bracket and wheel. [CA] Facility shall be kept free of cockroach activity. Clean and sanitize all areas with activity. Contact pest control to provide service for facility. Seal all cracks and crevices to prevent continued harborage. Contact district inspector at frank.leong@cep.sccgov.org or call 408-918-1955 for a follow-up inspection. Facility shall be free of activity during follow-up inspection. Any subsequent inspections after the first will be charged at \$219.00 per hour. [SA] Operator eliminated observed live cockroaches. Operator to self-close operation for further cleaning and service of facility.*

Follow-up By  
05/20/2022

### Minor Violations

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

**Inspector Observations:** *By the front counter, at the handwash station, observed paper towel dispenser is placed away from handwash sink. [CA] Ensure paper towel dispenser is placed at the handwash station to allow for proper handwashing.*

Follow-up By  
05/20/2022

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

**Inspector Observations:** *In the front dining area, observed storage of food packages on the floor of the facility. [CA] Ensure all food packages are stored at least 6" above the floor on approved shelving.*

Follow-up By  
05/20/2022

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

**Inspector Observations:** *At the front prep counter, on the floor below the prep sink and refrigeration, observed accumulation of food debris. [CA] Ensure facility floors are regularly cleaned and maintained to prevent harborage of vermin.*

Follow-up By  
05/20/2022

### Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

### Measured Observations

Item	Location	Measurement	Comments
salted cheese	2 door reach in refrigerator	38.00 Fahrenheit	
egg pudding taro	2 door prep unit	38.00 Fahrenheit	
cream cheese	2 door reach in refrigerator	39.00 Fahrenheit	
warm water	handwash sink	100.00 Fahrenheit	
hot water	3 compartment sink	120.00 Fahrenheit	
salted cheese	undercounter refrigerator	39.00 Fahrenheit	
salted cheese	ice bath/counter-top	60.00 Fahrenheit	
grass jelly	2 door prep unit	38.00 Fahrenheit	

### Overall Comments:

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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 **5/31/2022**. 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.

## 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:** MIUMIU PENG  
MANAGER

**Signed On:** May 17, 2022