



December 10, 2020

**By email (County.Council@MontgomeryCountyMD.gov)**

Chairman Marc Elrich  
Council Members  
Montgomery County Council  
100 Maryland Avenue, 6<sup>th</sup> Floor  
Rockville, MD 20850

Re: Proposed Executive Order 139-20: COVID-19—Local Order Amending and Restating Order dated November 10, 2020 (the “Order”)

Dear Chairman Elrich and Council Members:

We have reviewed Chairman Elrich’s proposed Order concerning additional COVID-19 restrictions and respectfully request that the Order not be adopted as currently written. The Order proposes limiting occupancy of retail establishments to one person per 200 sf of floor area, but not to exceed 150 people. This would limit occupancy at our two (2) warehouses in Montgomery County to 150 people. This is not a workable standard for larger retail stores like Costco, Home Depot, Wegmans, other grocery stores, etc.

We are an essential business, providing groceries, prescription drugs, day-to-day household necessities and other essential goods and services to our members who are residents of Montgomery County. Costco’s two stores in Montgomery County are approximately 142,000± and 152,000± square feet. The allowed occupancy (at full capacity) is between 4,000 and 5,000 people for these warehouses. We typically have around 150 employees in each warehouse at any time. Under the proposed Order we would be limited to 150 occupants at any one time. This is not workable, as it would barely accommodate our employees, much less our members!

We respectfully request that you reconsider the occupancy limit set forth in the proposed Order for larger retail establishments. We are not asking for full occupancy; that would be irresponsible in a time like this. Our suggestions are (i) to allow occupancy in larger retail stores (greater than 50,000 sf) at 25% of full allowed occupancy, so long as adequate preventive measures are taken, and (ii) to not count employees when calculating the 25% occupancy limit. These would put larger retail establishments on a more level playing field with other retail stores.

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We understand the severity of the current COVID-19 crisis and have taken many aggressive measures to limit the possibility of the spread of COVID-19 in our warehouses. Of note, we have staggered our opening hours to promote social distancing, such as allowing Instacart shoppers to shop as early as 7:00 am (to separate them from other members, especially vulnerable members like seniors), and giving seniors and other vulnerable shoppers special early morning shopping hours separate from our general membership.

As you may have seen in the media, we have also adopted a very strict mask policy, requiring all shoppers to wear a mask or other face covering, with no exceptions. We have taken out some of our merchandise display areas to widen our aisles and create more room to distance in the checkout area. And we have employees regulating the checkout lines to enforce social distancing and direct shoppers to staggered registers. These are only a few of the measures we have taken to protect our members and limit the spread of COVID-19.

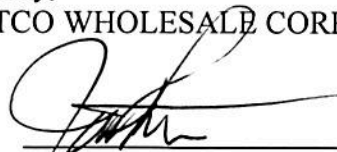
Passing the Order as written would be unworkable for larger retail establishments. We need capacity limits that will allow us to continue to operate—safely—rather than put an arbitrary cap on how many people can shop at one time. And the capacity limits could create even greater risks for shoppers. Our members are not going to understand the limits, and we believe that we will have long lines outside of our warehouses because of the limited occupancy, forcing our members—including seniors and other vulnerable members—to have to wait outdoors for long periods of time. This will be less safe than allowing greater, albeit still very limited, in-store occupancy.

We understand the need for measures to contain the COVID-19 virus, but strongly urge the Council to consider the modifications to the Order that we have suggested in order to allow county businesses to continue to provide essential services in a safe and productive manner.

Thank you for your consideration of our comments. I would be happy to discuss this further.

Sincerely,  
COSTCO WHOLESALE CORPORATION

By:



Joe Portera  
EVP and COO, Eastern Division and  
Canada

cc: (list continues on next page)

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Council Member Gabe Albornoz  
Council Member Andrew Friedson  
Council Member Evan Glass  
Council Member Tom Hucker  
Council Member Will Jawando  
Council Member Sidney Katz  
Council Member Nancy Navarro  
Council Member Craig Rice  
Council Member Hans Riemer