



Heritage Preservation Commission Regular Meeting

Tuesday, February 24, 2026, 6:30 PM
106 Center Street

Members of the public may attend the Heritage Preservation Commission meeting either in person or by joining via Zoom either online or by telephone at:

<https://us02web.zoom.us/j/87006835390?pwd=gcOOop8LMUm2uaFYzZqia14Takwczg.1>

Meeting ID: 870 0683 5390

Passcode: 638734

One tap mobile

+13092053325,,87006835390#,,,,*638734# US

+13126266799,,87006835390#,,,,*638734# US (Chicago)

Some items on this agenda are important enough to City Councilmembers that a quorum of the Council may be present to receive information leading to their future deliberations and eventual decision.

AGENDA

1. Call to Order/Roll Call
2. Agenda Approval
3. Consent Agenda
 - A. December 12, 2025 Heritage Preservation Commission Minutes
 - B. January 27, 2026 Heritage Preservation Commission Meeting Minutes
4. Citizen Reports or Comments
5. New Business
 - A. 10 Water Street Project Site Alteration Permit
6. Unfinished Business
7. Communications and Reports
 - A. Next City Council Meeting - March 2, 2026
 - B. Next Heritage Preservation Commission Meeting - March 24, 2026
 - C. Updates: Administrative Approval 37 Water Street: Painting and New Signage
8. Future Agenda Items
9. Adjournment

City of Excelsior
Heritage Preservation Commission Special Meeting

Meeting Minutes

Tuesday, December 16, 2025

1. CALL TO ORDER/ROLL CALL

Present: Caron, Gephardt, Macpherson, Dahlstrom

Absent: Anderson, Mark

2. AGENDA APPROVAL

Corrections to Agenda:

- Minutes date should be October 7th

- 7(c)iv. should be 634 Third Avenue

- 7(cviii. Should be 349 West Lake Street

Macpherson moved to approve agenda. Gephardt seconded. Approved 4-0.

3. CONSENT AGENDA (including review and approval of minutes from previous meetings)

(a) October 7, 2025, Heritage Preservation Commission Meeting Minutes

Corrections to October 7, 2025, Minutes:

- on p. 2, paragraph 6, 5(a): delete "liked"; replace with "believed that the 8.5/12 roof pitch of Option 1 is most compatible with the Guidelines"

- in 5(a) Correct spelling of "Macpherson"

- in 5(b) add "WPA-era" to "Public Works building"

Macpherson moved to approve minutes. Gephardt seconded. Approved 4-0.

4. CITIZEN REPORTS OR COMMENTS

None

5. NEW BUSINESS

None

6. UNFINISHED BUSINESS

None

7. COMMUNICATIONS AND REPORTS

(a) Next City Council Meeting – January 5, 2026

(b) Next HPC Meeting – January 27, 2026

(c) Updates:

- i. 262 Lake Street
- ii. 10 Water Street
- iii. Oak Hill Cemetery RFP and Work Group
- iv. 634 Third Avenue – administrative approval of SAP for window replacement in pool house
- v. Excelsior Museum – administrative approval of SAP for repainting
- vi. Masonic Building, 249 Water Street– administrative approval of SAP to install condenser on the roof
- vii. 211 Water Street
- viii. 349 West Lake Street

Staff provided updates on all of these items.

8. FUTURE AGENDA ITEMS

9. ADJOURNMENT

Macpherson moved to adjourn the meeting. Gephardt seconded. Approved 4-0.

Meeting adjourned at 7:30 pm

*Respectfully submitted,
Julia Mullin
Community Development Director*

City of Excelsior
Heritage Preservation Commission Special Meeting

Meeting Minutes

Tuesday, January 27, 2026

1. CALL TO ORDER/ROLL CALL

Present: Caron, Dahlstrom, Davidson, Gephardt, Macpherson, Mark

Absent: None

Also present: Jess Long, City Planner; Julia Mullin, Community Development Director

2. AGENDA APPROVAL

Staff noted that minutes from the December 16, 2025, meeting will be on the February 24, 2026, HPC meeting agenda. Caron will add an additional update under item 7.

Macpherson moved to approve the agenda. Mark seconded. Approved 6-0.

3. CONSENT AGENDA (including review and approval of minutes from previous meetings)

None

4. CITIZEN REPORTS OR COMMENTS

None

5. NEW BUSINESS

(a) 10 Water Street Project Site Alteration Permit

Anderson moved to continue the 10 Water Street Site Alteration Permit application to the February 24, 2026, HPC meeting. Macpherson seconded. Approved 6-0.

6. UNFINISHED BUSINESS

None

7. COMMUNICATIONS AND REPORTS

(a) Next regular City Council Meeting – February 2, 2026

(b) Next regular HPC Meeting – February 24, 2026

8. FUTURE AGENDA ITEMS

9. ADJOURNMENT

Gephardt moved to adjourn meeting. Macpherson seconded. Approved 6-0.

Meeting adjourned at 6:50 pm.

Respectfully submitted,

*Julia Mullin
Community Development Director*



ITEM REPORT

To: Heritage Preservation Commission
From: Julia Mullin, Community Development Director
Meeting Date: February 24, 2026
Department/Office: Community Development
Item Name: 10 Water Street Project Site Alteration Permit

Summary:

APPLICATION

Before the Heritage Preservation Commission (HPC) tonight is a Site Alteration Permit application for the demolition of the rear 55 feet of the Tonka Theater building and the entire 1989 addition located at 26 Water Street. A staff report dated January 27, 2026, and a draft HPC Resolution 2026-01, provide staff's analysis of the Site Alteration Permit application and recommended action.

BACKGROUND

The Heritage Preservation Commission (HPC) reviewed an application for a Preliminary Planned Unit Development (PUD) over the course of three meetings in April, May, and June of 2025. The Preliminary PUD application proposes a mixed-use development (apartments, restaurant, and retail) on the parcels located at 10, 26, and 28 Water Street. The proposal includes the demolition of the rear 55 feet of the Tonka Theater building in order to accommodate the new structure and surface parking.

The City Council approved the Preliminary PUD application for the mixed-use development in July 2025. A condition of approval of the Preliminary PUD requires the City's review and approval of the request for demolition. Additionally, pursuant to Chapter 20 of the City's Code of Ordinances, any demolition or relocation of a historic resource requires the Heritage Preservation Commission to review a Site Alteration Permit application, hold a public hearing, and take action on the application. This demolition request is before the HPC tonight.

Recommended Action:

The Heritage Preservation Commission shall hold a public hearing for the Site Alteration Permit application. Staff recommends that the Commission deny the Site Alteration Permit application based on the findings in the staff report, dated January 27, 2026, and approve HPC Resolution 2026-01.

Budget:

Attachments:

1. 1_ Jan Memo 26 Water_demo_01_27_26
2. 2_ HPC Resolution 2026-01_demo_01_27_26
3. 3_10_Water_Street_Memo_Kennedy&Graven
4. 4_ Larkin Hoffman Letter_2_12_25
5. 5_ Larkin Hoffman- Exhibit A
6. 6_ Excelsior SAP Application_MM
7. 7_ SAP Narrative_Mithun
8. 8_ Ownership Cover Letter
9. 9_ Overall Site Plan
10. 10_ Dock Cinema - SAP Drawing Set_RFS
11. 11_ Excelsior Theater - Historic Preservation
12. 12_ MBJ Struct Assess Report _Dock Cinema_10-27-2025
13. 13_ Prelim Environ Assessment - Dock Cinema
14. 14_ HPC Res 2025-04

MEMORANDUM

Re: Item 5(a) 26 Water Street. – Application for
Preliminary Planned Unit Development (PUD)

Date: January 27, 2026

To: Heritage Preservation Commission

From: Julia Mullin, Community Development Director,
Amy Lucas, Historic Preservation Consultant

APPLICANT: Matt Mithun

PROPERTY OWNER: Same

LOCATION: 26 Water Street

CASE NO.: HPC No. 26-01

60/120-DAY REVIEW

DEADLINE: January 9, 2026/March 10, 2026 (extension letter sent)

Application

The applicant, Matt Mithun, Mithun Companies, has submitted a Site Alteration Permit (SAP) to demolish the rear 55 feet of the Tonka Theater (1945) and the theater addition (1989) at 26 Water Street. The SAP also proposes to rehabilitate the remaining portion of the Tonka Theater with commercial at the ground floor and a theater in the second floor balcony. The SAP proposes to alter the theater façade and design a new rear back wall. The theater is being razed to make room for a surface parking lot and an apartment building.

Summary Of Findings

1. The City of Excelsior designated the local and National Register Excelsior Commercial Historic District to protect historic properties and ensure compatible alterations. A major impetus for designating historic districts has been to protect properties from parking lot development and incompatible new construction.
2. The Tonka Theater is a contributing building in the district and the character-defining feature of a movie theater is the auditorium. The proposed demolition would permanently damage the significance and integrity of the building and the historic district. The two-block historic district is a rare, cohesive group of commercial buildings that tell Excelsior's development history from 1866-1955.
3. Allowing the demolition without meeting the City Code requirements of evidence of structural failure, cost analysis for rehabilitation, market and reuse studies, and evidence of inordinate hardship, would be precedent-setting for future demolition reviews in the historic district and for Landmark properties in Excelsior. Up to this point, the continuous development pressures of incompatible construction in Excelsior have been prevented by consistently following the statutes in the city code.

Background and Previous Reviews

The applicant purchased the property at 26 Water Street (Tonka Theater) with the attached 28 Water Street (currently Lago Tacos) in 2003 for \$1,250,000. The building at 26 Water Street continued to operate as a theater and appears to have closed during 2020 Covid epidemic. The theater briefly opened in 2022 but closed and has not been reopened.

On March 20, 2024, the HPC reviewed the sketch plan review/concept review of the proposed development at 10 Water Street. At that time, the development proposed a hotel on the vacant lot at 10 Water Street and did not propose any demolition of the historic theater. The sketch plan included plans for re-using the existing theater building and 1989 addition as event space, cinema, rooftop deck, and food/concessions that would support the hotel use. (Fig. 1).

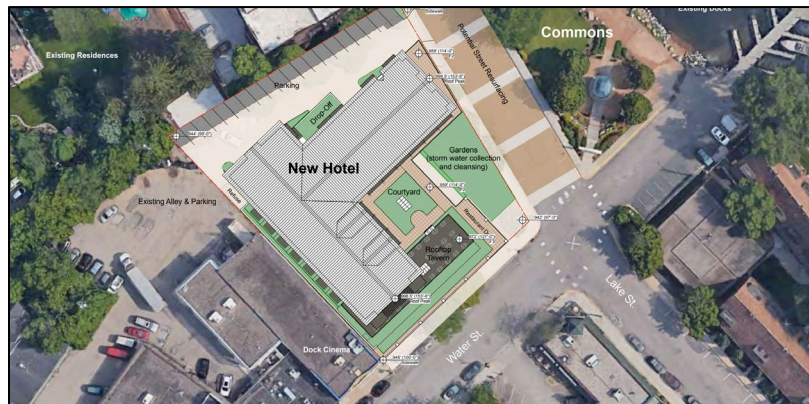


Fig. 1. March 2024 site plan reviewed by HPC

In 2025, the project scope changed. The applicant could have returned to the HPC with a concept plan including the proposed demolitions for the purpose of obtaining the Commission's comments and recommendations as stated in Sec. 10-12 (b)(1) but did not. Instead, the applicant applied for a Preliminary Planned Unit Development (PUD) application to build an apartment building and demolish the rear (full auditorium) of the historic theater at 26 Water Street. (Figs. 2 and 3). At their meetings of April 29, May 27, and June 17, 2025, the HPC commented on the Preliminary PUD application and approved HPC Resolution 2025-04 (attached) providing findings of fact on conformity with approved design standards and guidelines and recommendations. The recommendations for the design of the new building were forwarded to the Planning Commission and City Council as required by Ordinance, Sec. 20-11. The HPC stated in HPC Resolution 2025-04 that the non-contributing 1989 theater addition, which was built outside the period of significance for the historic district and is non-contributing to the historic district, and not visible from Water Street, is acceptable for demolition. The HPC did not recommend approval of the demolition or partial demolition of the historic Tonka Theater. The HPC resolution documented that a Site Alteration Permit for the proposed demolition is required for HPC review per city code.

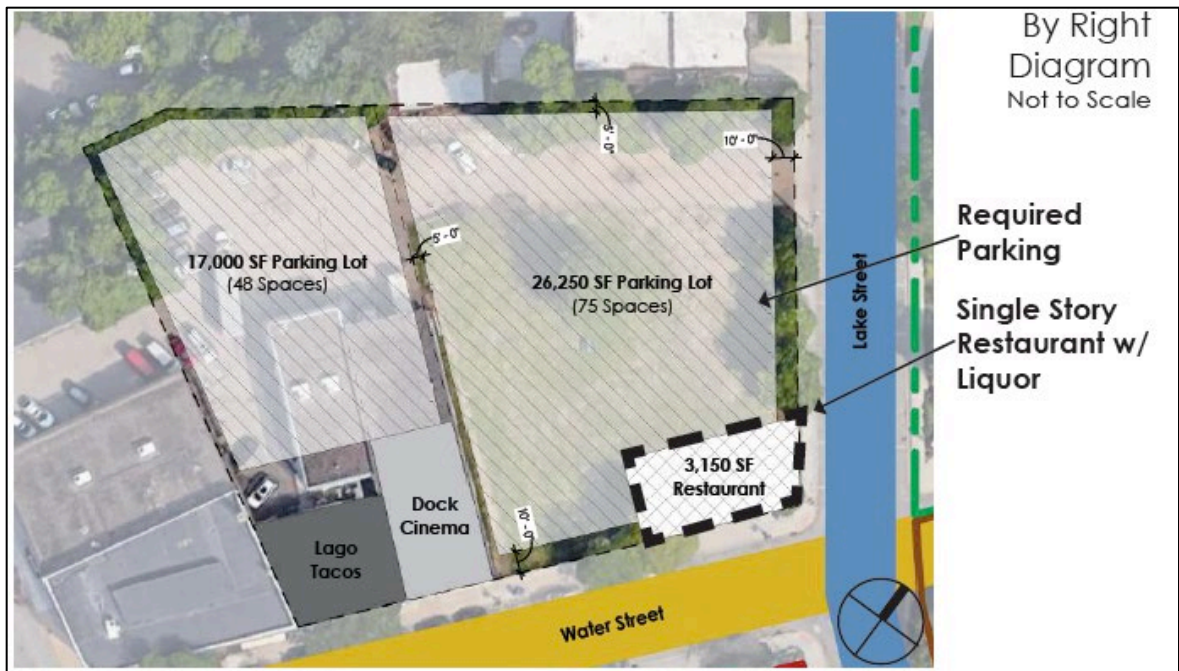


Fig. 2. April 2025 site plan reviewed by HPC

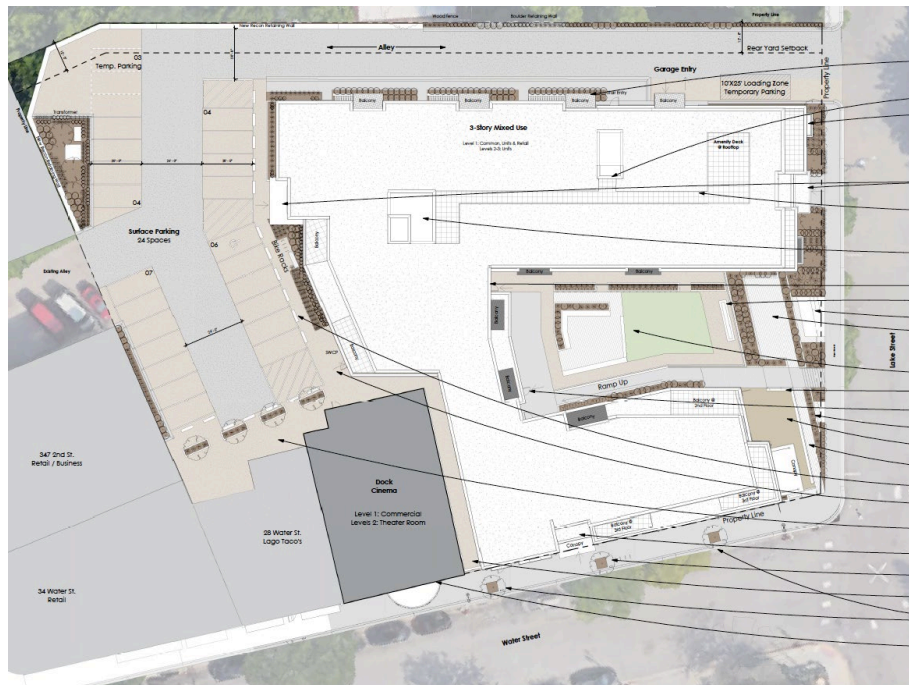


Fig. 3. April 2025 site plan reviewed by HPC (plan does not match aerial photographs of site in Fig. 4)

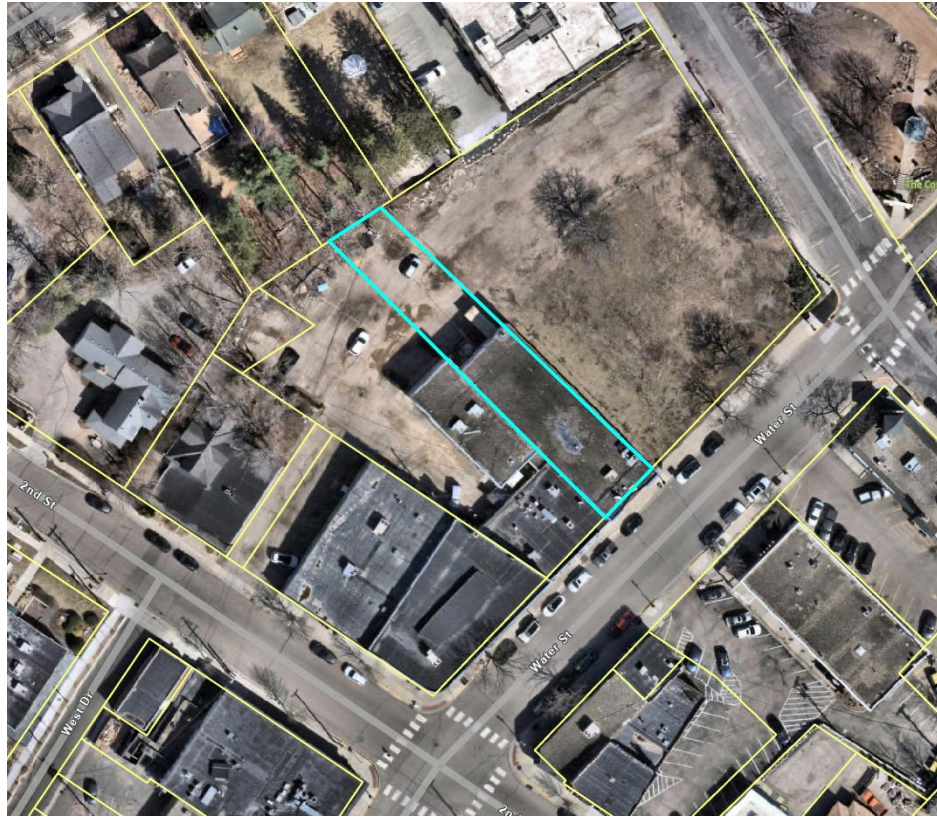


Fig. 4. Hennepin County Property aerial map of Tonka Theater in blue outline.

Landmark History

The two-story, Streamline Moderne Tonka theater at 26 Water Street was built in 1945. The building is a contributing building in the local Excelsior Commercial Historic District (listed 1998) and the National Register of Historic Places Excelsior Commercial Historic District (listed 2021). The period of significance for the district is 1886-1955. The theater is an important reminder of Excelsior's entertainment history and has been a community entertainment and gathering space for over 70 years. The theater building is a physical example of the building's past and is designated as a historical and architectural reminder of its history, but the "use" is not designated.



Fig. 5. Tonka Theater, façade, from SAP application.

The Tonka Theater was designed by Minnesota architects, Liebenberg and Kaplan. The previous theater (1940) burned in January 1945 and the new theater was poured-concrete fireproof construction with a stucco exterior. The Streamline Moderne style emerged during the 1930s-1940s and the minimal design was in response to the economic restraint necessary during the Great Depression. The horizontal buildings favored white exteriors with flat roofs and integrated the design elements within the simple form. The Tonka Theater features a smooth, white stucco façade and fluted grooves are integrated into the curved wall at the upper floor. The theater was built with an auditorium for approximately 500 (original seats have been replaced) and a balcony. Two restrooms were in the lobby. In ca. 1972, the balcony was enclosed to create a smaller theater at the second floor above the lobby. In 1989, a second theater was built on the parcel at 28 Water Street behind the one-story Hennessy Building (1955, contributing) (present-day Lago Tacos). At an unknown date (ca. 1970s), a corridor was built into the side of the Hennessy Building to access the 1989 theater. The 1970s wood siding at the façade continues over this corridor addition. The original plans for the Tonka Theater are located in the Northwest Architectural Archives at the University of Minnesota.

The architects, Liebenberg and Kaplan, are responsible for a number of Minnesota movie theaters. Jacob “Jack” Liebenberg (1893-1985) and Seeman Kaplan (1895-1963), graduates of the University of Minnesota architecture school, formed a partnership in 1923 and became one of the most successful architecture firms in Minnesota. The firm specialized in “prestigious homes, Jewish temples, and movie theaters” (Lathrop, *Minnesota Architects*). The firm is responsible for the state’s first theater built for sound pictures in 1928 (Granada a.k.a. Suburban World in Minneapolis) and embraced the Art Deco and Moderne styles to welcome the modern age of motion pictures. A survey of the firm’s surviving theaters has not been completed, but many of their theater designs in Minneapolis have been lost; including the Strand (1933, razed 1975), the Faust (1934, razed 1989), the Campus/Oak Street Cinema (1935, razed 2011), the Gopher (1938, razed 1980) and the Rialto (1937, razed 1980). A few of the firm’s theaters, located around the state, have

been individually listed in the National Register of Historic Places; they include the Hennepin/Orpheum Theatre, Hollywood Theater and the Ely State Theater.

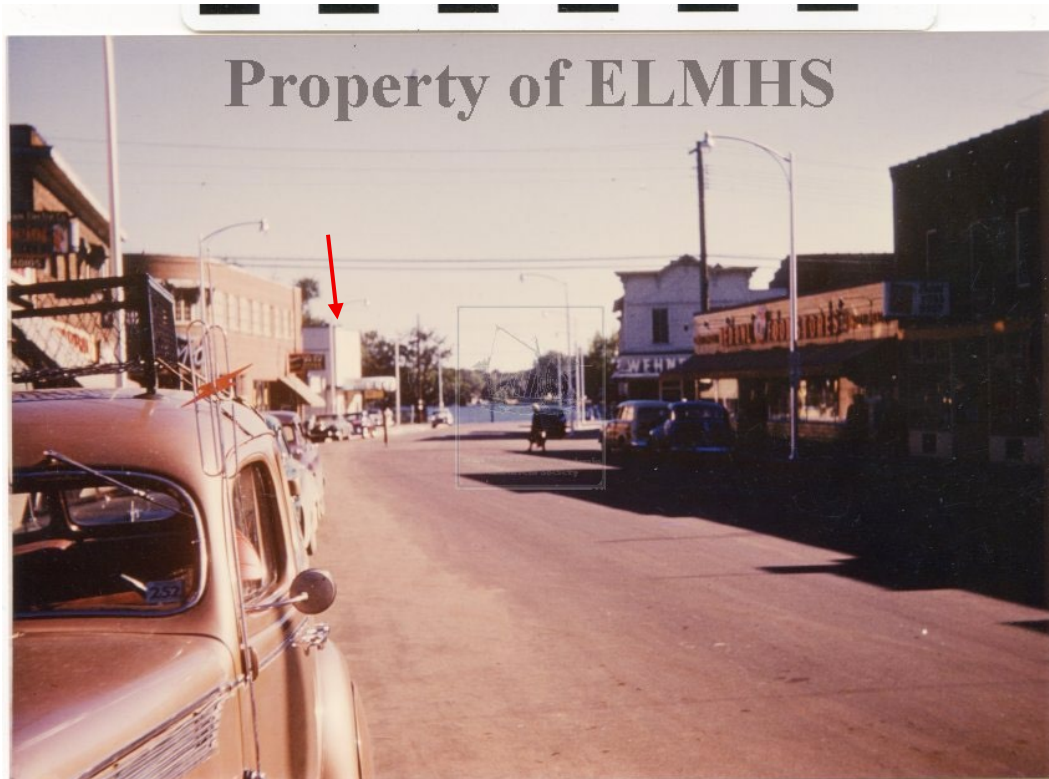


Fig. 6. Water Street in 1949



Fig. 7. Water Street in 1950



Fig. 8. Water Street in ca. 1950

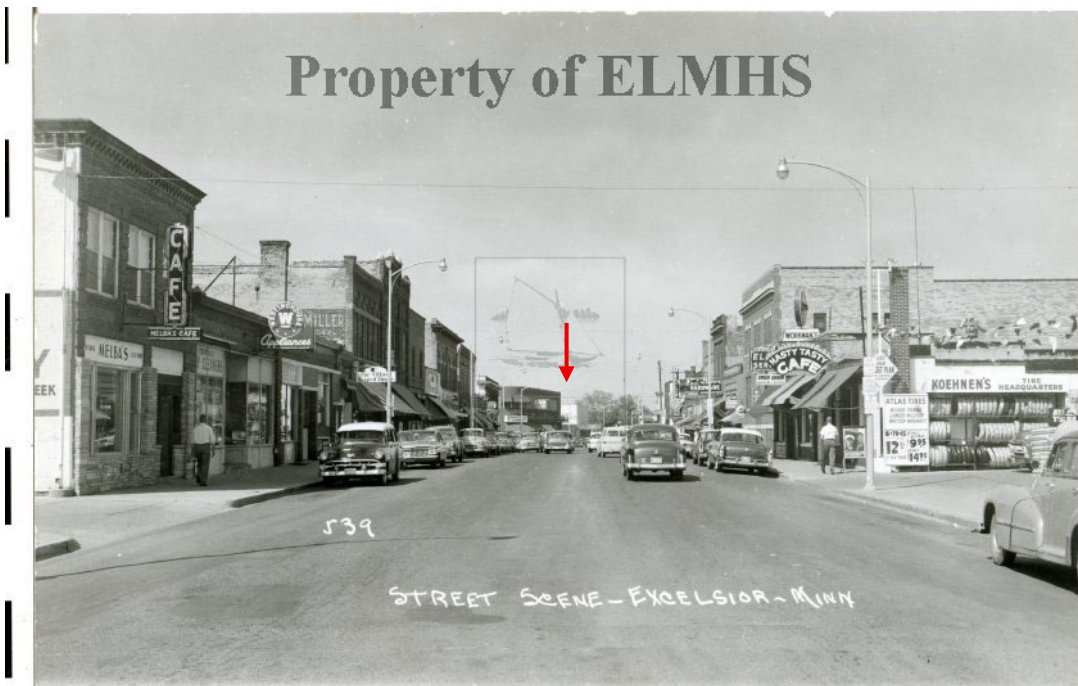


Fig. 9. Water Street in 1959



Fig. 10. Water Street in 2025

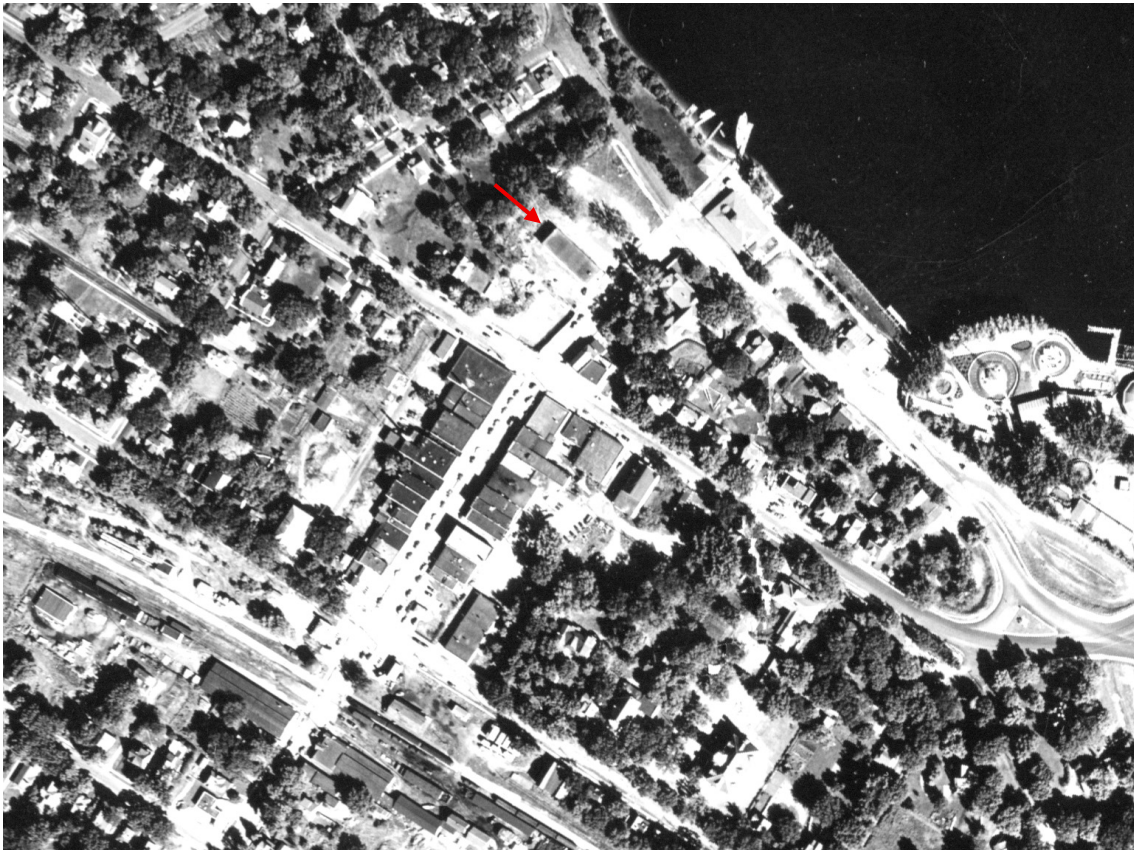


Fig. 11. Excelsior Commercial Historic District in 1945



Fig. 12. Excelsior Commercial Historic District in 1955



Fig. 13. Excelsior Commercial Historic District in 1962

Proposal for Demolition and Renovation of Remaining Portion of Building

Demolition

The applicant claims to meet the definition from City Ordinance, Chapter 20, for “partial demolition” rather than “demolition” which state:

1. *Demolition.* Any act that destroys or removes more than 30 percent of the building or other structure.
2. *Demolition, partial.* Partial demolition includes any act which destroys a portion of a building consisting of not more than 30% of the floor area of the building, and where the portion of the building to be demolished is not readily visible from the street. Partial demolition also includes the demolition or removal of additions or materials not of the period of significance on any exterior elevation when the demolition is part of an act of restoring original historic elements of a building and/or restoring a building to its historical mass and appearance.

The applicant did not provide plans of the existing Tonka Theater. Instead, the applicant provided the demolition plan overlayed on the proposed new construction design (Fig. 14). This proposal does not provide the HPC with accurate measurements of extant features, especially at the balcony level, for comparison to demolition plans. The applicant proposes to demolish the 1989 addition to the Tonka Theater and the rear 55 feet of the Tonka Theater. The remaining 69 feet of the theater building will be renovated. The first floor will have commercial uses, and the second floor will have a theater; tenants for these spaces have not been identified. Plans and seating for the theater were not provided. The lobby will be renovated with two stairs, an elevator, and restrooms will be moved to the attached corridor building. Portions of the balcony floor will be cut and removed to provide room for two, code-compliant stairs and an elevator; the measurements for balcony floor demolitions are not provided.

The applicant claims to be removing only 30% of the original building and follows the definition of “partial demolition” rather than “demolition.” The City’s calculations differed from the applicants because the applicant included the 1970s corridor as part of the original building and the applicant did not calculate the basement into the calculations.

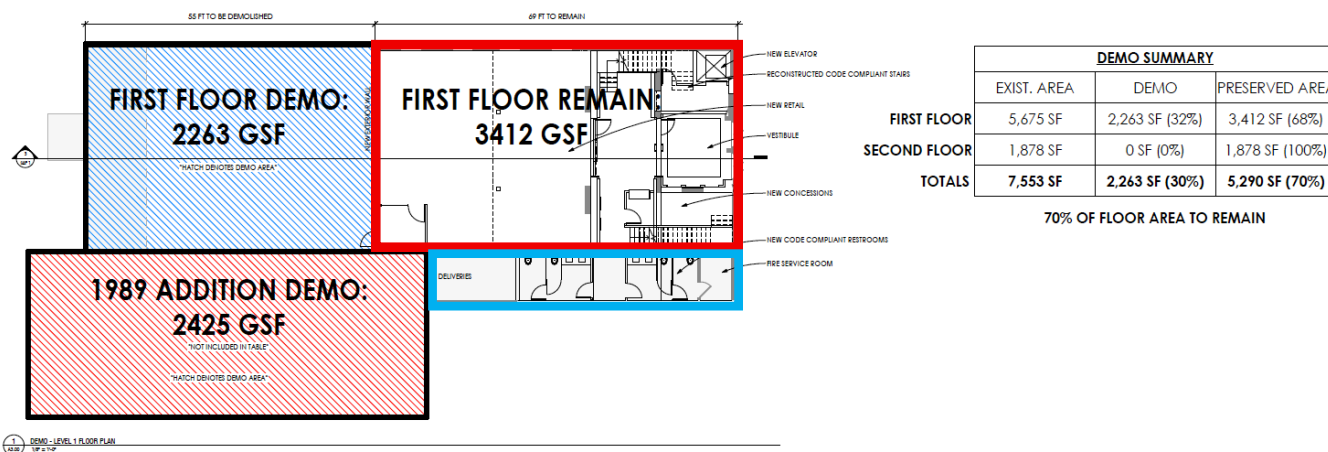


Fig. 14. Proposed NEW floor plan overlayed with demolition plan. Proposes new stairs, bathrooms, adding an elevator. Applicant did not provide EXTANT plans of theater. Original theater outlined in red. 1970s corridor outlined in blue.

City of Excelsior calculations:

	Existing (Original Theater)	Proposed for Demolition
Footprint of Original Theater without 1970s corridor	5,085 sf	2,263 sf
Second floor (balcony)	1,878 sf	0 sf (but some portions will be removed for elevator/stairs)
Basement	702 sf	702 sf
TOTAL	7,665 sf	2,965 sf (39%)

The applicant claims 0% of the balcony floor area will be removed, but the proposed new stairs and elevator will remove portions of the balcony floor. The applicant's calculations include the 1970s hallway addition as floor area, which is not part of the original building and should not have been included in the demolition calculations. The basement floor was not included in the applicant's demolition calculations. The applicant is fully demolishing the interior of the building; all interior finishes and walls will be removed. The applicant is removing 39% of the original building. Therefore, this proposal does not meet definition of "Partial Demolition" and is considered under the findings for "Demolition."

Renovation

At the façade, the wood siding and the marquee will be removed (Figs. 15 and 16). At this time, it is unknown what historic fabric remains under the wood siding. A new marquee and new entrance system are proposed. The proposed marquee and façade renovation do not match the original design as depicted in photographs. The "TONKA" signage is proposed for the top of the canopy, but was originally attached to the sign band of the curved canopy. The openings and sign boards do not follow the design in historic photographs. Materials are unclear and listed as "accent materials;" specifications for the doors were not provided. Following the proposed demolition a new rear elevation is proposed; this wall will be stucco with three, fixed windows and an offset door system. Materials are described as "accent materials" and specifications for the windows and doors were not provided.

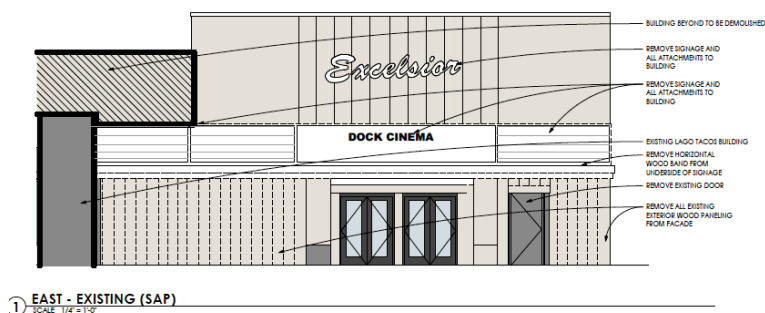


Fig. 15 Current facade

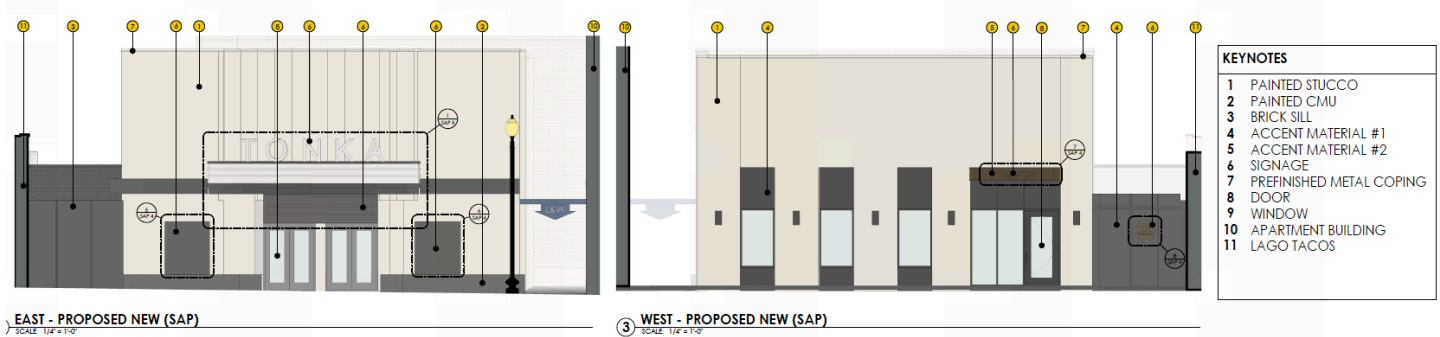


Fig. 16. Proposed elevations

Chapter 20 of Excelsior City Code for Demolition authorizes the review and states:

Sec. 20-3. Definitions

Demolition. Any act that destroys or removes more than 30 percent of the building or other structure.

Sec. 20-12. Demolition and relocation.

- (a) **Purpose.** The demolition or relocation of historic resources is deemed detrimental to the public interest and shall only be permitted pursuant to prescriptions of this section.
- (b) **Concept review.** Prior to submission of a formal site alteration permit application seeking demolition approval, a concept plan may be submitted for the purpose of obtaining the commission's comments and recommendations prior to the owner spending significant time and expense in the preparation of reuse plans when applying for a site alteration permit for the demolition or moving of a historic resource.
 - (1) The property owner requesting a concept review shall submit preliminary drawings of any proposed building or addition, current photographs of the property and reasons for the requested demolition or moving of the historic resource.
 - (2) After discussion with the owner, the Commission may provide preliminary feedback on the proposed reuse of the property and the removal or demolition of the historic resource. The commission's comments on such a concept plan shall not be binding on any subsequent site alteration permit applications seeking demolition approval.
- (c) **Non-contributing structures.** Any non-contributing structure must first be evaluated and considered for contributing status prior to issuance of a site alteration permit for a total demolition.
- (d) **Public hearing.** In applications involving the demolition or relocation of a historic resource, the commission shall hold a public hearing as set forth in this chapter.
- (e) **Action by commission.** Upon receiving an application requesting the demolition or relocation of a landmark or a contributing site located in an historic district, the commission within 60 days after receipt of the application shall either approve or deny such application. If the commission finds that probable cause exists to reuse the historic resource, the commission may extend the review time to 90 days from the receipt of the application, and notify the applicant of such postponement.
- (f) **Engineer study.** In any case involving the demolition or relocation of a historic resource, before granting approval or requiring a postponement, the commission may require the city engineer, structural engineer, or historic preservation architect, at the owner's expense, to provide them with a report on the state of repair and structural stability of the structure under consideration.
- (g) **Alternative undertakings.** Within the initial review period of such demolition of any historic resource, the commission shall take steps to ascertain what the city council can or may do to preserve such building, including consultation with private civic groups and interested private citizens and including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The commission may also require a reuse study be completed, at the owner's expense, to determine potential reuses of the building proposed to be demolished.

- (h) *Total demolition and relocation criteria.* In determining the appropriateness of any application for the demolition or relocation of a landmark or contributing building in a historic district, the commission shall use the following criteria:
- (1) The architectural significance of the building or structure.
 - (2) The historical significance of the building or structure.
 - (3) Despite evidence of the owner's efforts to properly maintain the structure, retention of the resource constitutes a hazard to public safety that cannot be eliminated by economic means available to the owner, including the sale of the structure on its present site to any purchaser willing to preserve the structure.
 - (4) Whether a building or structure is linked, historically or architecturally, to other buildings or structures, so that their concentration or continuity possesses greater significance than the particular building or structure individually.
 - (5) The significance of the building or structure or its proposed replacement in furthering the comprehensive plan's goals.
 - (6) The condition and structural integrity of the building or structure, as indicated by documentation prepared by a qualified professional or licensed contractor, or other information, provided to the commission for examination.
 - (7) Effect on surrounding properties.
 - (8) Inordinate hardship. This inquiry is concerned primarily with the relationship between the cost of repairing a building or structure and its reasonable value after repair. An inordinate hardship is an instance when preservation will deprive the owner of reasonable economic use of the property. Any hardship created by action of the applicant—including any condition resulting from the applicant's own neglect of the building or structure—shall not be considered in support of any application. To establish inordinate hardship under this section the applicant must submit evidence that rehabilitation of the building or structure is impractical and that the applicant cannot make reasonable economic use of the property. Such evidence may include proof of consideration of plans for adaptive reuse, and attempts to sell, rent or lease the property.
- (i) *Additional matters considered.* In addition to the general criteria listed in subsection 20-12(h), the applicant must also demonstrate:
- (1) If requesting demolition, that the structure cannot be practically moved to another site in Excelsior.
 - (2) If requesting relocation, that structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure.
- (j) *Review criteria for partial demolition.* In reviewing an application requesting a site alteration permit for partial demolition, the Commission shall apply the following criteria:
- (1) The partial demolition is required for the renovation, restoration, or rehabilitation of the structure; and
 - (2) The applicant has mitigated, to the greatest extent possible:
 - a. Impacts on the historic importance of the structure or structures located on the property; and
 - b. Impacts on the architectural integrity of the structure or structures located on the property.
- (k) *Post-demolition or post relocation plans.* The commission shall not approve a site alteration permit for demolition or relocation without reviewing at the same time post-demolition plans. The approval of a site alteration permit for demolition or relocation shall be conditioned on issuance of a site alteration permit and all other city approvals for the new construction on the site.
- (l) *Action by commission.* If the commission approves the demolition or relocation, it shall direct the zoning administrator to process the application ten days after commission approval in order to provide a period of time within which a party may appeal the commission's decision to the city council.
- (m) If the commission denies application, it shall immediately inform the zoning administrator in writing. The commission shall notify the applicant of their right to appeal and furnish the applicant with a copy of the decision.
- (n) *Demolition permit.* No permit to demolish a landmark, a contributing or non-contributing resource may be issued without the issuance of a building permit for a replacement structure or project for the property involved.

Required Findings for Demolition of a Contributing Building in a Historic District:

Sec. 20-12 (h) In determining the appropriateness for any application for the demolition or relocation of a landmark or contributing building in a historic district, the commission shall use the following criteria:

(1) The architectural significance of the building or structure.

The Tonka Theater at 26 Water Street is a contributing structure to the local and National Register Historic District. The two-story Streamline Moderne theater was designed by renowned architects, Liebenberg and Kaplan. The building retains the significant character-defining features of a theater including the prominent façade with marquee and the theater auditorium space. The scale, sightlines, sloped floor and acoustics were engineered for large groups and gave power to the theater experience. The building has good integrity and continues as a unique architectural landmark in Excelsior.

In an effort to refute the demolition design as a “facadectomy” the SAP application states that the demolition “maintains the visible massing, street-facing façade, and the historically significant portions of the building.” All of the contributing buildings in the historic district and all parts of these buildings are significant; the portions that are not visible or street-facing are significant. They are standing reminders of the size, scale, massing of their construction period and the mass behind the façade continues to tell the story of how the building operated. The significance of a building and its mass is not diminished because it is not visible. Most of the district’s buildings share party walls and the mass of many of the buildings is not visible at the street. Additionally, the theater’s mass is visible from Lake Street and Lake Minnetonka.

(2) The historical significance of the building or structure.

The Tonka Theater is a significant landmark in the history of Excelsior and provided public entertainment and enrichment experiences for over 70 years. The theater space is a rare civic space in Excelsior and is significant as a community gathering place. During its use, the theater’s patrons invigorated the community and contributed to street traffic and night traffic and provided commercial activity to the surrounding businesses. The theater auditorium was a purpose-built civic space designed for the shared experience.

(3) Despite evidence of the owner’s efforts to properly maintain the structure, retention of the resource constitutes a hazard to public safety that cannot be eliminated by economic means available to the owner, including the sale of the structure on its present site to any purchaser willing to preserve the structure.

The owner has not proven that retention of the theater is a hazard to public safety. The owner has not tried to sell the building nor has the owner provided plans for rehabilitating the entire structure.

(4) Where a building or structure is linked, historically or architecturally, to other buildings or structures, so that their concentration or continuity possesses greater significance than the particular building or structure individually.

The two-block Excelsior Commercial Historic District has 32 contributing buildings. The cohesive district is unique because it features multiple commercial building types and a range of architectural styles from 1886 until 1955. The buildings are linked historically and architecturally and tell the story of Excelsior’s commercial history; they feature examples of a pharmacy, grocery, two fraternal organization buildings, an auto repair building, an auto dealership, multiple commercial buildings and one movie theater. The size and scale of each of these buildings reflects their historic use and the concentration of so many intact historical examples is exceptional. The continuous economic stability of the district is partially due to the high integrity and cohesiveness of the historic buildings.

The applicant states that the “proposed demolition will remove the 1989 additions, which is not part of the historic designation.” This is incorrect. The historic district is a contiguous district with boundaries and all of the buildings, contributing and non-contributing, are part of the historic designation. The non-contributing 1989 addition is part of the historic designation as are vacant lots that are also inside the district boundaries. The retention of open space and non-contributing buildings in historic districts allows for HPC design review guidance of new construction and additions AND ensures compatibility and integrity in the historic district.

(5) The significance of the building or structure or its proposed replacement in furthering the comprehensive plan’s goals.

The demolition of a contributing building in a historic district is not supported in Excelsior's Comprehensive Plan which states:

- 1. Heritage properties are scarce, non-renewable community resources, the preservation, protection, and use of which are critical to the public welfare. When historical and architectural resources are destroyed, they are gone forever.*
- 2. Heritage preservation is an important public service and a legitimate responsibility of city government. Historic buildings, sites, and districts give the City much of its special character and community identity.*
- 3. Saving significant historic resources for the benefit of future generations is always in the public interest.*
- 4. Collaboration between the private and public sectors is absolutely necessary to preserve the City's significant historic resources.*
- 5. Not everything that is old is worth preserving, nor is heritage preservation concerned primarily with the creation of museums or other public attractions. To be considered for preservation, a property must be demonstrably significant in history, architecture or archaeology, and it must also be adaptable for modern needs and uses.*
- 6. Heritage preservation is entirely compatible with economic development and growth. Preservation pays, and everybody profits by reusing historically significant buildings and adapting them to new, economically viable uses.*

Retention and rehabilitation of the theater meets all of Excelsior's Comprehensive Plan Preservation Guiding Principles. Demolition of the theater does not follow the adopted Comprehensive Plan. The property has demonstrated significance in history and architecture and is a contributing building in the local and National Register historic district. The Comprehensive Plan recognizes rehabilitation and accepts that a building can be adapted for modern needs and uses. The Comprehensive Plan and the HPC design review support the adaptation of historic buildings and very few of Excelsior's historic buildings retain their original use. The applicant has never provided a reuse plan that would evaluate viable uses. The applicant has never produced rehabilitation plans for the property or economics of rehabilitation, therefore, the City of Excelsior HPC has never been able to review the potential reuse options and their design.

- (6) The condition and structural integrity of the building or structure, as indicated by documentation prepared by a qualified profession or licensed contractor, or other information, provided to the commission for examination.*

The owner provided a report from Meyer Borgman Johnson (MBJ), structural engineers, dated October 27, 2025. The report found the concrete building to have "acceptable structural performance" and recommended further investigation into the roof and settlement at rear. No photos of the roof or any holes in the roof were provided, but the report noted that water intrusion was noticed at the lobby ceiling tiles; the lobby is the portion of the building the applicant wants to retain. The report noted the slope at the rear egress is steep and should be reconstructed; the costs were not presented for this option, but the City of Excelsior and HPC support the life-safety alterations. The report noted three "incidents of wall cracking at the back wall" stucco, but admitted that the interior wall coverings were not removed and the extent of damage through the building is unknown. The photograph appears to show typical stucco cracks. Nor did the report explain how the "clayey soils" would be handled during the proposed construction of the new development next door. It is unknown if the new construction would damage the foundation of the historic theater. It is unclear why the applicant/owner has not repaired the "active roof leak" because the report noted it could lead to corrosion. These conditions do not warrant demolition and appear to be simple repairs, but the applicant did not provide costs for these repairs. Staff conducted a site visit of the building on Thursday, May 29, 2025, and the owner explained that the roof leaks had been repaired and there were no open areas in the roof.

The owner provided a report from The Javelin Group, environmental consultant, dated October 23, 2025. The firm assumed asbestos in the ceiling and floor tiles and lead paint on wood, but no actual testing was completed on the building. Nor were any costs for abatement provided. The firm recommended an asbestos and lead-based paint testing and noted that abatement for asbestos would be required before demolition. Therefore, abatement costs are required for demolition AND rehabilitation.

These reports do not recommend demolition of a historic resource and costs associated with the repairs and testing were not provided per code requirements.

(7) *Effect on surrounding properties.*

The demolition of the Tonka Theater would be detrimental to the historic district and streetscape. It is unclear if the neighboring new construction will damage the foundation of the surrounding properties.

Furthermore, approval of the demolition would set a precedent for the future of the surrounding historic properties. The City of Excelsior has never approved a demolition of a contributing building in the historic district. The theater is not structurally unsound and the opportunities for reuse have never been provided. It appears the demolition is for new development and surface parking and retention of the historic property has never been evaluated.

(8) *Inordinate hardship. This inquiry is concerned primarily with the relationship between the cost of repairing a building or structure and its reasonable value after repair. An inordinate hardship is an instance when preservation will deprive the owner of reasonable economic use of the property. Any hardship created by action of the applicant—including any condition resulting from the applicant's own neglect of the building or structure—shall not be considered in support of any application. To establish inordinate hardship under this section the applicant must submit evidence that rehabilitation of the building or structure is impractical and that the applicant cannot make reasonable economic use of the property. Such evidence may include proof of consideration of plans for adaptive reuse, and attempts to sell, rent or lease the property.*

The applicant has not proven hardship. The property with neighboring lot (28 Water Street) was purchased for \$1,250,000 in 2003. The Tonka Theater parcel at 26 Water Street is assessed at \$573,00 and the Hennepin County property assessor maintains this assessment. The building operated as a theater until 2020 and briefly in 2022. The owner claims the original use is obsolete and has not listed the property for sale. The HPC and the City of Excelsior have never required the theater remain in theater use therefore the reuse and market for the theater are unknown. The 1989 theater addition, Hennessy Building (Lago Tacos) and Hennessy building corridor are on parcel 28 Water Street and assessed for \$1,215,000. The Tonka Theater (26 Water Street) is on its original parcel and assessed at \$573,000. The property has not been listed for sale, but the current assessment of \$573,000 would guide the sale.

The structural and environmental reports do not provide a cost analysis for repairs and abatements. The applicant noted roof and structural issues and it is unclear how the applicant decided on the portion of the building to retain. The SAP application includes a proposal from K2 Construction on the demolition and new construction. The costs are not included, but the proposal explains that "Rake Shoring" will be used to support the exterior walls during construction; It suggests that only the exterior theater walls will remain. The SAP application claims structural issues, but the owner wants to retain half of the building and does not cite undue costs or structural repairs in the permit application for the remaining theater portion.

The economic hardship is impossible to ascertain if the applicant does not provide the economic costs for rehabilitation vs. new construction. The owner has never provided plans/costs for preservation of the entire theater or for adaptive reuse with a new use in the building. The owner has not provided economic evidence to support impracticality of rehabilitation. Excelsior has multiple examples of rehabilitation and receiving high economic returns on the investment. It has not been proven that rehabilitation will reduce the property values and, in Excelsior, historic buildings usually sell for higher than assessed values.

Additionally, the owner has never provided any other use to the City other than a theater. The owner has not provided tenant names or tenant signage to the building and the City cannot require the building remain a theater. While many Excelsior residents have a shared historic bond for continuing the theater use as a community space, the HPC's design review is not based on use and the HPC cannot require a theater use. Furthermore, there is nothing to hold the owner to the proposed second-story theater and interior plans could change in the future without HPC review. The owner has already claimed that theaters are obsolete, so the inclusion of a theater is confusing in the application.

Excelsior's City Code, Comprehensive Plan and *Preservation Design Manual* welcome the opportunity for a new use in the building. Movie theaters are one of the most reused and adapted buildings across the country. They are centrally located, well-situated on Main streets and have large volumes with clear, open spans and, in many cases, they have fireproof construction. They have been successfully renovated, often using historic rehabilitation tax credits, into performing arts theaters, bowling alleys, art centers, community centers, nightclubs, wedding venues, religious venues, lecture halls, co-working spaces, restaurants/bars/liquor stores, libraries, sports arenas/gyms/climbing, recording studios and even apartments. In fact, the theater space could support the proposed new construction with amenity spaces like workout rooms, party rooms, dog runs, which would allow for more apartments in the new construction.

Because this building is a contributing building in a National Register Historic District, it is eligible for historic rehabilitation tax credits. The state and federal credit allows for a 40% credit off the cost of the rehabilitation. The applicant has not provided evidence of investigating historic tax credits. The building will be ineligible for future tax credit applications if the character-defining features of its building type are removed. The auditorium space is THE character-defining feature of a theater. Any repairs to the building, including a new roof or stucco repair, is an eligible expense with historic tax credits. Additionally, costs to rehabilitate the building into a new use are covered; these include new code compliant stairs, elevator, restrooms, HVAC, and even leveling floors. To qualify for historic tax credits, the owner's rehabilitation costs must be more than the adjusted basis for the building. The current assessment is \$573,000 and the adjusted basis calculation would be lower because the owner has owned the building since 2003. The repairs of the roof and stucco combined with code compliant upgrades would easily be accomplished within the historic tax credit parameters. Additionally, the repairs covered by historic tax credits are less than the structural costs of razing half of the building auditorium and building a new roof and wall, which are not covered by the historic tax credit program.

(i) *Additional matters considered. In addition to the general criteria listed in subsection 20-12(h), the applicant must also demonstrate:*

(1) *If requesting demolition, that the structure cannot be practically moved to another site in Excelsior.*

The applicant is not proposing relocation, nor has the applicant provided evaluation or costs for moving.

(2) *If requesting relocation, that structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure.*

The applicant is not requesting relocation.

Required findings for Site Alteration Permit application for façade and rear elevation alterations:

In determining the review for a Site Alteration Permit (SAP) for exterior alterations, the HPC shall be guided by: 1) *Secretary of the Interior's Standards for Rehabilitation*, 2) *Preservation Design Manual* and 3) the "Additional Criteria for Proposed Alteration within an historic district." The SAP review includes the proposal for the rehabilitation of the remaining portion of the theater.

The applicant's SAP application misuses a number of terms (preservation, rehabilitation, restoration) that are defined by the National Park Service in the *Standards* and repeated in Excelsior's *Preservation Design Manual*. They are repeated below for clarity.

Preservation

Preservation is defined as "the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property." Buildings that retain and reflect the historic character of the district serve as the backbone among new and altered structures. It is impossible to overstate the importance of maintenance. As buildings weather, deteriorate, age, and erode, maintenance is easy to postpone. Simple preventative measures such as caulking windows, repainting exposed and worn surfaces, and guarding against water leakage are time-proven money savers.

Rehabilitation

Rehabilitation is defined as "the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values." Rehabilitation often involves the undoing of previous generations of maintenance, such as removing layers of old paint, peeling off applied wood siding, and uncovering original floors. Repair and alteration make it possible to introduce a contemporary use while preserving those portions and features of the property that are significant to its historic, architectural, and cultural values.

Restoration

Restoration is defined as "the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period." Excelsior has buildings that are historically and/or architecturally significant, but have been altered. Restoration is the process of returning the structure to its original appearance. Restoration, however, does not imply the creation of a precious museum piece. The structure must have an economically feasible use in order to justify restoration.

1. *The Secretary of the Interior's Standards and Guidelines for Rehabilitation state:*

2. *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

The HPC does not govern or review 'use.' The HPC reviews alterations proposed for historic properties and guides the alterations towards minimal damage to the defining characteristics of the historic resources. A character-defining feature is what a building type is most associated with, and examples include a steeple for a church, grain elevator for a mill, canopy for a gas station. The character-defining feature of the Tonka Theater is the auditorium, and the applicant is proposing to remove the auditorium and create a theater in the balcony space. The balcony theater is not a replacement of the use and the HPC does not review or require historic uses to remain in place. This SAP proposal removes THE character-defining feature and permanently alters the building, site and environment. The demolition is not "minimal change" and the proposal does not follow the guideline.

The City cannot guarantee or require a theater use. There is nothing to preclude the owner from changing use after the SAP applications are approved.

3. *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

A movie theater building type is recognized by its auditorium. The removal and alteration of this historic space does not meet the guidelines.

4. *Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

The applicant should remove the historic wood siding at the façade and base the rehabilitation on the unknown conditions behind the siding. At this time, the proposed façade design is conjectural. The applicant proposes a new marquee that is similar to the historic marquee, but the recreation of a theater marquee without the theater space projects a false history.

5. *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

The exterior alterations of the 1989 theater addition, corridor addition (ca. 1970s) into the neighboring building and facade siding (ca. 1970s) have not acquired significance and retention is not recommended. The current marquee was also installed after the district's period of significance and may be replaced.

6. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*

The most “distinctive feature” of a movie theater is the auditorium space and removal of the space is not recommended. The applicant proposes to retain the stucco Streamline Moderne façade, which is an important design finish and preservation is recommended. The applicant proposes to replace the non-historic marquee, which does not characterize the historic property during the period of significance and is not an example of historic finish or craftsmanship. Replacement of the marquee follows the recommendations.

7. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.*

The owner notes that the roof and rear stucco wall are deteriorated, but the deterioration does not require demolition. The guidelines recommend repair over demolition. The applicant proposes to alter the façade and replace the non-original marquee, but the design does not match pictorial evidence and should be redesigned. The façade conditions under the wood siding should be evaluated and repaired rather than replaced, if extant.

8. *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials that characterize the property. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

The applicant notes that surface cleaning will be undertaken in a gentle method and follow preservation standards. The applicant should submit samples of exterior repair for review.

9. *Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

The property does not have archaeological significance.

10. *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

The applicant is proposing demolition of the theater auditorium for the new construction of a surface parking lot. This proposal destroys the historic materials and integrity that characterize the Tonka Theater and demolition is not recommended. The neighboring new construction proposal does not protect the history integrity of the property or the historic district. Furthermore, the applicant has not provided a construction plan for monitoring seismic damage to the neighboring historic properties.

11. *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The proposed new construction/apartment building proposes removal of the theater auditorium and destroys the form and integrity of the historic property. This guideline and the potential future removal of the apartment building does not apply because the historic property is demolished before construction. The demolition of the theater cannot be reversed.

This guideline provides guidance for non-permanent change. For example, if the auditorium was enclosed for a future use, then the alterations should be designed so they are not permanently damaging and can be removed. A theater in Minneapolis built stepped platforms over the sloped floor for restaurant use; the platforms did not damage the historic flooring. Reversible changes meets the guidelines, but the SAP proposes demolition and does not meet the guideline.

2. The *Preservation Design Manual* applicable guidelines findings:

The *Preservation Design Manual* was adopted to guide alterations to historic properties. It does not provide design guidance for post-demolition design. The proposed rear wall requires the removal of the rear of the theater and is considered under the 'demolition' review and is not part of the SAP review. The following guidelines consider the proposed alterations to the Tonka Theater facade.

General Storefront Guidelines:

GS.3 If replacement is necessary, new elements should duplicate the original element closely in form, proportions, and profile.

The original theater store front is covered with wood siding. The siding should be removed and façade evaluated before design proposal. The new design should be guided by extant building fabric and historic images.

Door Guidelines:

D.5 The installation of new doors should closely resemble the design and proportions of the original door. Wood is preferred material, but steel or aluminum with baked enamel finish may also be used. Metal frame doors may be more appropriate than wood frame doors on later architectural style such as Art Deco façades.

The original doors have been replaced with aluminum system. The new system may be aluminum and should reflect the style. Specifications and details are necessary for review.

D.9 When replacing a door, use a design that an appearance similar to the original. Where the original design is unknown, use a door design associated with the building style or type.

The original doors have been removed. The proposed new entrance system should be based on historic images. Specifications and details and materials of proposed doors are necessary for review.

Architectural Detailing Guidelines

AD.2 When restoring or working on a historic building, property owners are encouraged to restore any ornamentation that may have been removed previously.

The SAP proposes to replace the non-historic marquee and replace with a marquee that is similar to original design in historic images. The design of the marquee appears to meet the guidelines, but signage should be attached to the sign band. After the non-historic wood siding is removed, the remaining design and materials should be evaluated. The design may change following the removal of the siding. Historic images indicate that decorative metal bands were located above the entrances.

3. The “*Additional criteria for proposed alterations within designated historic districts*” findings:

a) The alteration is compatible with and will ensure continued significance and integrity of all contributing properties in the historic district based on the period of significance for which the district was designated.

The Tonka Theater is a contributing building to the historic district. The entire theater was built during the period of significance. The theater auditorium is THE character-defining feature of a movie theater. Approving the demolition of the auditorium does not maintain integrity for the building or the historic district.

b) Granting the site alteration permit will be in keeping with the spirit and intent of this chapter and will not negatively alter the essential character of the historic district.

The demolition of the Tonka Theater is not in keeping with the spirit and intent of the preservation chapter of the city code. The City of Excelsior did not designate the historic district locally and nationally to allow demolitions and partial demolitions of contributing buildings. In fact, a major impetus for designating commercial districts has been to protect properties from parking lot development and incompatible new construction.

Furthermore, it is important to understand the precedence of the proposed demolition. Allowing the demolition would not only alter the significance of the Tonka Theater and the historic district, it is also setting a precedent. Allowing the demolition without any evidence of structural failure, cost analysis for rehabilitation, market and reuse studies, or evidence of inordinate hardship, will set a precedent for future demolition reviews in the historic district and for landmarks in Excelsior.

RECOMMENDED HERITAGE PRESERVATION COMMISSION ACTION

Adopt HPC Resolution No. 2026-01 To approve the demolition of the 1989 theater addition at 28 Water Street and deny the demolition of the Tonka Theater at 26 Water Street. Approve the SAP alterations proposed for the façade of 26 Water Street with conditions for further details.

ATTACHMENTS

- 1) SAP Application
- 2) HPC Resolution 2026-01
- 3) HPC Resolution 2025-04 Providing Findings of Fact on Conformity with Approved Design Standards and Guidelines and Recommendations

City of Excelsior
Heritage Preservation Commission
Resolution No. 2026-01

A Resolution Denying a Site Alteration Permit
for the rear demolition and rear wall design of the Tonka Theater at 26 Water Street
and
Approving the façade alterations, with conditions, of the Tonka Theater at 26 Water Street and
the demolition of the theater addition (1989) at 28 Water Street

WHEREAS, Matt Mithun of Mithun Companies, the owner of the Tonka Theater (1945) at 26 Water Street and the theater addition (1989) at 28 Water Street, Excelsior, MN 55331, (“Applicant”) has applied for a Site Alteration Permit for the demolition of the theater addition (1989) at 28 Water Street, demolition of the rear 55 feet of the Tonka Theater at 26 Water Street, and alterations to the façade and rear elevations of the Tonka Theater;

WHEREAS, the Heritage Preservation Commission (“HPC”) considered Applicant’s application and its meeting on January 27, 2026.

NOW, THEREFORE, IT IS RESOLVED, that the Applicant is hereby denied a Site Alteration Permit to demolish the rear 55 feet and build a new rear wall of the Tonka Theater at 26 Water Street based on the following findings of fact,

AND, the Applicant is hereby approved a Site Alteration Permit to renovate the façade of the Tonka Theater at 26 Water Street with conditions and for the demolition of the theater addition of 1989 at 28 Water Street based on the following findings of fact.

FINDINGS OF FACT

1. Matt Mithun, Mithun Companies, owner of 26 Water Street and 28 Water Street, Excelsior, MN 55331 (“Applicant”) has applied for a site alteration permit to demolish the rear 55 feet of the Tonka Theater at 26 Water Street, renovate the façade of 26 Water Street, create a new rear wall design at 26 Water Street and demolish the theater addition (1989) at 28 Water Street.
2. The Tonka Theater at 26 Water Street was built in 1945 and is a contributing building in the local Excelsior Downtown Historic District (listed 1998) and the National Register of Historic Places Excelsior Commercial District (listed 2021). The Tonka Theater was designed by the prominent master architecture firm, Liebenberg and Kaplan, and is a significant example of the Streamline Moderne style in Excelsior. The theater is also significant as a physical reminder of Excelsior’s entertainment history and provided the region with a community and gathering space for over 70 years. The building retains integrity and continues to reflect its history as a movie theater with original design, massing, materials and scale.

3. The addition to the Tonka Theater at 28 Water Street was built in 1989. The addition was built outside the period of significance for the historic district, 1886-1955, and is not a contributing addition in the historic district.
4. The owner purchased the parcels at 26 Water Street and 28 Water Street in 2003 for \$1,125,000. The parcel at 28 Water Street has the Hennessy Building (1955, present-day Lago Tacos tenant) and the theater addition (1989) connected to the neighboring Tonka Theater. The property is assessed at \$1,215,000. The Tonka Theater at 26 Water Street ceased operations in 2020; the parcel at 26 Water Street is assessed at \$573,000.
5. At the HPC meeting on March 20, 2024, the commission considered a sketch plan for a hotel development on the parcel at 10 Water Street, that included re-use of the Tonka Theater, both the original building and the 1989 addition, for event space, cinema, rooftop deck, and food/concessions to support the hotel. No demolition was proposed at this time. The HPC commented that the proposed hotel building did not meet the standards of the Preservation Design Manual because it was too tall and not compatible with the established guidelines for the Downtown Historic District.
6. At the HPC meetings on April 29, May 27, and June 17, 2025, the commission considered an application for a Preliminary Planned Unit Development (PUD) application for construction of a mixed use development at 10 Water Street that included a partial demolition of the rear of the Tonka Theater and the 1989 addition in order to accommodate surface parking and a new building. The commission approved HPC Resolution 2025-04 providing findings of fact and making recommendations to the City Council that included the finding that the city must review and approve a Site Alteration Permit for the proposed demolition of the Tonka Theater.
7. At the City Council meetings on July 21 and August 4, 2025, the City Council considered the application for a Preliminary PUD and approved resolution 2025-42 approving the Preliminary PUD with the condition, among other conditions, that a Site Alteration Permit application for the proposed demolition and the new construction be submitted to the City and approved.
8. Section 20-3 of the Excelsior City Code defines “demolition” as “Any act that destroys or removes more than 30 percent of the building or other structure” and defines “partial demolition” as “any act which destroys a portion of a building consisting of not more than 30% of the floor area of the building, and where the portion of the building to be demolished is not readily visible from the street. Partial demolition also includes the demolition or removal of additions or materials not of the period of significance on any exterior elevation when the demolition is part of an act of restoring original historic elements of a building and/or restoring a building to its historical mass and appearance.”
9. The applicant is removing 40% of the original building, which is defined as “demolition” in Excelsior City Code. The portion of the building to be demolished is visible from Water Street and Lake Street. The demolition of the 1989 addition is not part of an act of restoring the original

historic elements of the building and/or restoring the building to its historical mass and appearance. The applicant's calculations for demolition included the 1970s hallway addition to the Tonka Theater. This addition is not part of the original building and the applicant is demolishing more than 30 percent of the original theater building.

10. Section 20-12 (h) of the Excelsior City Code states "In determining the appropriateness of any application for the demolition or relocation of a landmark or contributing building in a historic district, the commission shall use the following criteria:"

1) The architectural significance of the building or structure.

(2) The historical significance of the building or structure.

(3) Despite evidence of the owner's efforts to properly maintain the structure, retention of the resource constitutes a hazard to public safety that cannot be eliminated by economic means available to the owner, including the sale of the structure on its present site to any purchaser willing to preserve the structure.

(4) Whether a building or structure is linked, historically or architecturally, to other buildings or structures, so that their concentration or continuity possesses greater significance than the particular building or structure individually.

(5) The significance of the building or structure or its proposed replacement in furthering the comprehensive plan's goals.

(6) The condition and structural integrity of the building or structure, as indicated by documentation prepared by a qualified professional or licensed contractor, or other information, provided to the commission for examination.

(7) Effect on surrounding properties.

(8) Inordinate hardship. This inquiry is concerned primarily with the relationship between the cost of repairing a building or structure and its reasonable value after repair. An inordinate hardship is an instance when preservation will deprive the owner of reasonable economic use of the property. Any hardship created by action of the applicant—including any condition resulting from the applicant's own neglect of the building or structure—shall not be considered in support of any application. To establish inordinate hardship under this section the applicant must submit evidence that rehabilitation of the building or structure is impractical and that the applicant cannot make reasonable economic use of the property. Such evidence may include proof of consideration of plans for adaptive reuse, and attempts to sell, rent or lease the property.

11. Section 20-12 (i) of the Excelsior City Code states "In addition to the general criteria listed in subsection 20-12(h), the applicant must also demonstrate:

(1) If requesting demolition, that the structure cannot be practically moved to another site in Excelsior.

(2) If requesting relocation, that structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure.

12. Section 10-12(g) of the Excelsior City Code for “alternative undertakings” states “Within the initial review period of such demolition of any historic resource, the commission shall take steps to ascertain what the city council can or may do to preserve such building, including consultation with private civic groups and interested private citizens and including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The commission may also require a reuse study be completed, at the owner's expense, to determine potential reuses of the building proposed to be demolished.”
13. Section 20-12(k) of the Excelsior City Codes states “The commission shall not approve a site alteration permit for demolition or relocation without reviewing at the same time post-demolition plans. The approval of a site alteration permit for demolition or relocation shall be conditioned on issuance of a Site Alteration Permit and all other city approvals for the new construction on the site.” The HPC shall also review the proposed changes to the Tonka Theater.
14. In making a determination whether to approve or deny an application for a Site Alteration Permit for the Tonka Theater façade alterations, the commission shall be guided by *The Secretary of the Interior's Standards and Guidelines for Rehabilitation* and the *Preservation Design Manual* and the “Additional Criteria for Proposed Alteration within an historic district.”

CONCLUSIONS OF LAW

1. The demolition of the Tonka Theater at 26 Water Street is not consistent with the required findings per Section 20-12 of the Excelsior City Code for demolition and is not permitted.
2. The demolition and proposed alterations are not consistent with the guidance in *The Secretary of the Interior's Standards and Guidelines for Rehabilitation* or the *Preservation Design Manual*.
3. The Tonka Theater at 26 Water Street is architecturally significant. The Tonka Theater at 26 Water Street is a contributing structure to the local and National Register Historic District. The two-story Streamline Moderne theater was designed by renowned architects, Liebenberg and Kaplan. The building retains the significant character-defining features of a theater including the prominent façade with marquee and the theater auditorium space. The scale, sightlines, sloped floor and acoustics were engineered for large groups and gave power to the theater experience. The building has good integrity and continues as a unique, architectural landmark in Excelsior. The auditorium is the character-defining architectural feature of the Tonka Theater and removing it permanently damages the historic integrity of the building and will remove the building as “contributing” resource in the historic district.
4. The Tonka Theater is historically significant. The Tonka Theater is a significant landmark in the history of Excelsior and provided entertainment and enrichment experiences for over 70 years. The theater space is a rare civic space in Excelsior and is significant as a community gathering place. During its use, the theater's patrons invigorated the community and contributed to street

traffic and night traffic and provided commercial activity to the surrounding businesses. The theater auditorium was a purpose-built civic space designed for the shared experience and remains as a physical reminder of its time.

5. The owner has not proven that retention of the Tonka Theater is a hazard to public safety that cannot be eliminated by economic means. The owner has not tried to sell the building. The owner has not provided plans or costs for reuse or rehabilitation of the entire theater.
6. The Tonka Theater is linked historically and architecturally to the buildings in the Excelsior Commercial Historic District and their concentration and continuity possesses greater significance as a whole. The two-block Excelsior Commercial Historic District has 32 contributing buildings. The cohesive district is unique because it features multiple commercial building types and a range of architectural styles from 1886 until 1955. The buildings are linked historically and architecturally and tell the story of Excelsior's commercial history; they feature examples of a pharmacy, grocery, two fraternal organization buildings, an auto repair building, an auto dealership, multiple commercial buildings and one movie theater. The size and scale of each of these buildings reflects their historic use and the concentration of so many intact historical examples is exceptional. The continuous economic stability of the district is partially due to the high integrity and cohesiveness of the historic buildings.
7. The demolition of the Tonka Theater is not supported in Excelsior's adopted Comprehensive Plan which states:
 1. *Heritage properties are scarce, non-renewable community resources, the preservation, protection, and use of which are critical to the public welfare. When historical and architectural resources are destroyed, they are gone forever.*
 2. *Heritage preservation is an important public service and a legitimate responsibility of city government. Historic buildings, sites, and districts give the City much of its special character and community identity.*
 3. *Saving significant historic resources for the benefit of future generations is always in the public interest.*
 4. *Collaboration between the private and public sectors is absolutely necessary to preserve the City's significant historic resources.*
 5. *Not everything that is old is worth preserving, nor is heritage preservation concerned primarily with the creation of museums or other public attractions. To be considered for preservation, a property must be demonstrably significant in history, architecture or archaeology, and it must also be adaptable for modern needs and uses.*
 6. *Heritage preservation is entirely compatible with economic development and growth. Preservation pays, and everybody profits by reusing historically significant buildings and adapting them to new, economically viable uses.*

Demolition of the Tonka Theater is not supported by Excelsior's Comprehensive Plan Preservation Guiding Principles. The property has demonstrated significance in history and architecture and is a contributing building in the local and National Register historic district. The Comprehensive Plan supports rehabilitation and accepts that a building can be adapted for modern needs and uses. The Comprehensive Plan and the HPC design review support the

adaptation of historic buildings and very few of Excelsior's historic buildings retain their original use. Theaters are adaptable for modern needs and uses and multiple examples exist in the country. The applicant has never provided a reuse plan that would evaluate viable uses. The applicant has never produced rehabilitation plans for the property or economics of rehabilitation, therefore, the City of Excelsior HPC has never been able to review the potential reuse options and the related design. Retaining the Tonka Theater is a "legitimate responsibility of city government" and saving historic resources benefits future generations and is always in the public interest.

8. The two condition reports provided to the HPC did not recommend demolition. The report from Meyer Borgman Johnson (MBJ), structural engineers, dated October 27, 2025, found the concrete building to have "acceptable structural performance" and recommended further investigation into the roof and settlement at rear. No photos of the roof or any holes in the roof were provided, but the report noted that water intrusion was noticed at the lobby ceiling tiles; the lobby is the portion of the building the applicant wants to retain. The report noted the slope at the rear egress is steep and should be reconstructed; the costs were not presented for this option, but the City of Excelsior and HPC support life-safety alterations. The report noted three "incidents of wall cracking at the back wall" stucco, but noted that the interior wall coverings were not removed and the extent of damage through the building was unknown. The photograph appears to show typical stucco cracks. The report from The Javelin Group, environmental consultant, dated October 23, 2025 assumed asbestos in the ceiling and floor tiles and lead paint on wood, but no actual testing was completed on the building. Nor were any costs for abatement provided. The firm recommended an asbestos and lead-based paint testing and noted that abatement for asbestos would be required before demolition. These two reports did not provide evidence that the building is not sound and cannot be rehabilitated into modern uses.
9. The demolition of the Tonka Theater will negatively affect surrounding properties. The demolition will be detrimental for its loss to Excelsior's history and streetscape. Approving the demolition of a designated historic property without meeting the standards for review will set a precedent for the future of Excelsior's historic landmarks. The City of Excelsior has never approved a demolition of a contributing building in the historic district. The theater is not structurally unsound and the opportunities and costs for reuse have never been provided. Approval of the demolition without meeting the required findings will have significant long-term negative effects on the future of Excelsior's historic buildings.
10. To prove inordinate hardship the applicant must provide the costs of repairing and value after repair and submit evidence that rehabilitation is impractical. The property is assessed at \$573,000. The owner claims the original use is obsolete, but the City and HPC have never required the original use be retained. The property has never been listed for sale so the potential for rehabilitation and new uses have not been explored through a sale and/or new ownership. The costs for roof or structural repairs were not provided, but they cannot be more than the project costs provided by K2 Construction for "Rake Shoring" the building for demolition and reconstruction. The building is eligible for the Historic Rehabilitation Tax Credit program, but the owner has not provided exploration of the program. Additionally, if the owner claims hardship

then it is unclear why half of the building is still being retained. The owner has never provided rehabilitation costs or tried to sell the building and inordinate hardship has not been proven.

11. The applicant has not provided costs or evaluation for relocating the building per Section 20-12(h) of the Excelsior Codes.
12. The demolition of the rear half of the Tonka Theater is not recommended for approval and, therefore, the new rear wall of the theater is not approved.
13. *The Secretary of the Interior's Standards and Guidelines for Rehabilitation* and the *Preservation Design Manual* and the "Additional Criteria for Proposed Alteration within an historic district" guide the proposed theater façade alterations. The non-historic siding should be removed in order to evaluate the remaining historic fabric at the façade. The proposed design should be based on historic images and remaining fabric under the wood siding.
14. The applicant has not identified any tenants at this time. A "theater" is proposed for the second floor, but tenant signage does not identify this tenant.
15. The SAP does not meet the two "additional criteria for proposed alterations within designated historic districts" per Section 20-12 (h). The alteration is not compatible with and will not ensure continued significance and integrity of the district. Granting the site alteration permit is not in keeping with the spirit and intent of the Excelsior preservation code and it will negatively alter the essential character of the historic district. In fact, allowing a demolition of a contributing building in the historic district without meeting the findings per City Code sets a significant precedent for future historic demolition reviews.
16. Section 20-12 (g) of the Excelsior City Code for *Alternative Undertakings* states "Within the initial review period of such demolition of any historic resource, the commission shall take steps to ascertain what the city council can or may do to preserve such building, including consultation with private civic groups and interested private citizens and including investigation of the potential use of the power of eminent domain when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The commission may also require a reuse study be completed, at the owner's expense, to determine potential reuses of the building proposed to be demolished." Excelsior's guidelines, comprehensive plan and city code welcome the opportunity for a new use in historic buildings. Movie theaters are one of the most reused and adapted buildings across the country. They are centrally located, well-situated on Main streets across the United States and have large volumes with clear, open spans and in many cases, they have fireproof construction. They have been successfully renovated, often using historic rehabilitation tax credits, into performing arts theaters, bowling alleys, art centers, community centers, nightclubs, wedding venues, religious venues, lecture halls, co-working spaces, restaurants/bars/liquor stores, libraries, sports arenas/gyms/climbing, recording studios and even apartments. These rehabilitations guide new

uses and often have skylights and new openings. The theater space could support the proposed new construction with amenity spaces like workout rooms, party rooms, dog runs, which would allow for more apartments in the new construction. A reuse study is recommended.

CONDITIONS

1. The applicant shall remove the non-historic wood siding at the façade before further façade improvements are undertaken. The proposed alterations should be based on the historic images and remaining historic fabric. The final façade alterations and design shall be submitted to HPC staff for final review.
2. Specifications of the proposed door systems at the façade shall be submitted to HPC staff for final review. The door design should be guided by historic images and remaining historic fabric under the wood siding.
3. Signage on the marquee shall be placed on the sign band of the marquee and submitted to HPC staff for final review.
4. Tenant signage for the building shall be submitted in a Site Alteration Permit application for HPC review.
5. A reuse study shall be completed to determine potential reuses of the building. The reuse study should provide the economics of repairs to the building, costs for rehabilitation, comparison of costs for repair and partial demolition.
6. The property owner must maintain the building and prevent further deterioration.
7. Seismic monitoring during construction at neighboring parcels should be undertaken to protect historic resources.

Adopted by the Heritage Preservation Commission of the City of Excelsior, Minnesota, this 27th day of January, 2026.

HERITAGE PRESERVATION COMMISSION

Tim Caron, Chair



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MEMORANDUM

DATE: February 19, 2026
TO: City of Excelsior
FROM: Alex W. Furchich, Assistant City Attorney
RE: Excelsior Historic Preservation Code and Takings

This memo was requested by staff of the City of Excelsior (“City”) regarding the 10 Water Street property. This memo provides context to the City’s historic preservation process under its historic preservation code, requirements of the site application permit and demolition process, and addresses the applicant’s Denial Objection Letter’s discussion of the constitutional limits of historic preservation.

Excelsior’s Historic Preservation Code

The City’s historic preservation code establishes certain standards and requirements for the City and its Heritage Preservation Commission’s (“HPC”) stewardship of the City’s heritage by the preservation, protection, perpetuation, and enhancement of buildings, structures, areas, and districts having a special historical, community, or aesthetic interest or value.¹ The purpose of the code itself is varied; guiding principles include a desire to preserve properties reflecting elements of the city’s history, provide for the protection and preservation of historic properties and districts, strengthen the local economy through the protection and promotion of the City’s unique historic character, and provide incentives to owners for the preservation, restoration, and use of historic buildings.² Among these requirements is the HPC’s review of applications for site alteration permits.³ A site alteration permit is required when a total or partial demolition of a landmark or structure within the historic district is contemplated.⁴

¹ Excelsior City Code Sec. 20-1(a).

² See *Id.* at Sec. 20-1(b).

³ See *Id.* at Sec. 20-5(c).

⁴ See *Id.* at Sec. 20-10(a)(10).

A demolition is any act that destroys or removes more than 30% of the building.⁵ The historic preservation code does not define the method of calculating what constitutes the 30% for a total demolition. The HPC determines the calculation of that amount in reviewing applications, using all available resources, reports, and criteria and following its typical process. Under the City's historic preservation code, demolitions of historic resources are explicitly determined to be "deemed detrimental to the public interest."⁶ As a result, demolitions, whether total or partial, have a specific section of the code devoted to establishing heightened care and scrutiny through additional criteria.⁷ Recognizing this more stringent process, this section of the code provides applicants that are considering demolition with the ability to seek the HPC's preliminary review of a concept plan.⁸

Prior to submission of an application for a site alteration permit, an applicant may submit a concept plan to the HPC.⁹ The purpose of this provision, as laid out in the code, is to enable an applicant to obtain the HPC's comments and recommendations on the proposed work "prior to the owner spending significant time and expense" when applying for a site alteration permit.¹⁰ An applicant may thus receive initial feedback directly addressing the specific plan the applicant intends to submit, and the code contains no limit as to the number of concept plan reviews an applicant may submit as its plans change.

The HPC's review of a site alteration permit application is but a single step in the planning and development process when development occurs on a landmark or within a historic district.¹¹ When reviewing a site alteration permit, the HPC may approve, approve with conditions, continue, deny in part, or deny in whole.¹² The denial of any individual site alteration permit does not amount to a categorical prohibition on demolition, but rather is only a denial of the particular application and its proposal. The HPC's review of any application for a site alteration permit shall be guided by several criteria.¹³ These criteria are expressly enumerated in the code and guide the comprehensive inquiry under which each application is reviewed by the HPC.

⁵ See *Id.* at Sec. 20-3.

⁶ See *Id.* at Sec. 20-12(a).

⁷ See *Id.* at Sec. 20-12.

⁸ See *Id.* at Sec. 20-12(b).

⁹ *Id.*

¹⁰ See *Id.* at Sec. 20-12(b).

¹¹ See *Id.* at Sec. 20-5(c). See also Minn. Stat. § 471.193, subd. 3 (granting municipal HPC's the power to enact rules governing demolition and use and the adoption of other measures appropriate for the preservation, protection, and perpetuation of designated properties and areas as well as the power to participate in the conduct of land use, urban renewal, and other planning processes undertaken by its municipality).

¹² *Id.* at Sec. 20-11(c).

¹³ *Id.* at Sec. 20-11(h).

Historic Preservation and Constitutional Limits

This section addresses the constitutional limits on historic preservation regulation and the Fifth Amendment. A history of *State by Powderly v. Erickson* is shown as an inexact comparison and the section provides a discussion of the existing legal framework as the foundation for these constitutional issues, which often require a fact-specific analysis and are resistant to broad generalizations at this stage.

The Fifth Amendment to the U.S. Constitution requires that the government shall not take private property for public use without just compensation. The context of the Minnesota Supreme Court's statement in *State by Powderly v. Erickson*, cited in the applicant's Denial Objection Letter, that "permanently denying an owner the beneficial use of his property except by requiring him to make a substantial investment in repairs and renovation, over his objection, would constitute a 'taking' for which the owner has a right to compensation" is important.¹⁴

In that case, a building owner owned several row houses that were purchased for the purpose of expanding the owner's adjacent convenience store prior to the designation of a historic district encompassing the structures. The owner applied for and received a demolition permit.¹⁵ At nearly the same time, the city's building inspector, as a result of a complaint, gave notice that if either demolition or renovation was not undertaken, the city would condemn the row houses.¹⁶ Shortly after receipt of the demolition permit and before such demolition could occur, the historic district was established and a lawsuit was brought to enjoin the row houses' demolition.¹⁷

In its first decision on the matter, the Court held that a permanent injunction prohibiting demolition was to be issued and noted that historical preservation ordinances "do not effect a taking of property even though the value of the property is diminished" unless all effective use of the property is prevented or a reasonable rate of return on the owner's investment is not permitted.¹⁸ After the dispute continued and the lower court altered its permanent injunction, the Court again addressed the matter and expressed that the Minnesota legislature and local ordinances had, at the time, failed to provide options to preserve historic buildings absent prohibiting their destruction.¹⁹ This lack of optionality led to the quoted statement.²⁰ Today, options beyond the complete prohibition of demolition exist and the City's code provides pathways to preserve historic buildings beyond blanket prohibitions of all demolition, including through the review of and criteria for a site alteration permit. Under these circumstances, questions of when government

¹⁴ *State by Powderly v. Erickson*, 301 N.W.2d 324, 326 (Minn. 1981)

¹⁵ See *Id.* at 326 (noting that the history of this case was detailed in a prior opinion). See also *State, by Powderly v. Erickson*, 285 N.W.2d 84, 86-87 (Minn. 1979).

¹⁶ See *State, by Powderly v. Erickson*, 285 N.W.2d 84, 87 (Minn. 1979)

¹⁷ See *Id.* at 90 (citing *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104 (1978)).

¹⁸ See *State by Powderly v. Erickson*, 301 N.W.2d 324, 325 (Minn. 1981).

¹⁹ See *Id.* at 326.

²⁰ See *Id.*

regulation requires just compensation under the Constitution are typically evaluated through an analysis of the Supreme Court's decision in *Penn Central Transp. Co. v. City of New York*.

The landmark *Penn Central* case establishes the foundational principles for when a government regulation effects a taking of private property and is particularly apt given its grounding in historic preservation.²¹ A court will consider several factors, including 1) the regulation's economic impact on the claimant, 2) the extent to which the regulation interferes with the claimant's distinct, investment backed expectations, and 3) the character of the government action.²² The application of these factors is to an entire parcel.²³

These factors are fact-specific and are notoriously resistant to general claims absent broad restrictions. Evaluation of economic impact includes determining the claimant's individual expectations for the property. A regulation may interfere with the distinct, investment backed expectations of a claimant under certain circumstances. While not exclusively, those expectations are often established when a landowner makes an investment in the property, whether through purchase, sale, or otherwise, though establishing a bright-line rule is difficult.²⁴ For example, after a claimant sold the surface rights to property and retained the right to mine the coal underneath, a statute was implemented which forbade certain mining envisioned in that transaction.²⁵ This regulation made the mining commercially impracticable and was viewed as having nearly the same effect as the destruction of those rights the claimant's sale retained.²⁶ The claimant had, at the time of sale, investment-backed expectations due to their reservation of the right to mine underneath the property. The statute, imposed after the claimant's transaction and which effectively completely prohibited the purpose of the claimant's transaction, significantly interfered with those expectations; thus a taking was found.²⁷

A government regulation of property may also amount to a taking "where [the] regulation denies all economically beneficial or productive use of land."²⁸ The Supreme Court has long recognized that government programs may adversely affect economic value of property.²⁹ The regulation must do more than impose economic strain on the land's owner, instead leaving the property economically idle.³⁰ Economic idleness has included a city's agreement that there was no possible

²¹ *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104 (1978).

²² See *Id.* at 124.

²³ See *Id.* at 130.

²⁴ See *Palazzolo v. Rhode Island*, 533 U.S. 606, 626-630 (2001).

²⁵ See *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104, 128 (1978). (citing *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393 (1922)).

²⁶ See *Id.*

²⁷ See *Id.*

²⁸ See *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1030 (1992).

²⁹ See *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104, 124 (1978).

³⁰ See *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1019, 1030 (1992).

economically feasible plan for the preservation of a property.³¹ Instead, the court thus required approval of the demolition or just compensation to avoid constitutional concerns with that government's regulation.³²

As to the character of the government action, a taking is more readily likely to be found when the government's interference may be characterized as a physical "invasion" of the property, rather than an interference arising from "some public program adjusting the benefits and burdens of economic life to promote the common good."³³ Physical invasion occurs when the government directly appropriates private property or ousts the property owner from any portion of its property,³⁴ while in *Penn Central* the public program at issue was New York's designation of landmarks under its Landmarks Law.³⁵

The Fifth Amendment is designed "not to limit governmental interference with property rights per se, but rather to secure compensation in the event of otherwise proper interference amounting to a taking."³⁶ Ultimately, what this discussion demonstrates is that the constitutional limits on the taking of property without just compensation are fact-specific inquiries. This requires detailed analysis of the government's action, the impact on the claimant, and the objective and subjective expectations of that claimant, which make it difficult to establish general claims ahead of an expected action.

As noted above, the HPC has the power to review and issue site alteration permits when appropriate on relevant applications for alterations, relocations, or demolitions.³⁷ Throughout the process and in order to accomplish the intent and purpose of the City's code, the City provides the HPC with staff support and supplies, which may include the staff report.³⁸ The HPC determines whether an application for demolition is appropriate and makes that determination as guided by the criteria laid out within Excelsior's historic preservation code.³⁹

³¹ See e.g., *Keeler v. Mayor & City Council of Cumberland*, 940 F. Supp. 879, 888 (D. Md. 1996).

³² See e.g., *Keeler v. Mayor & City Council of Cumberland*, 940 F. Supp. 879, 888 (D. Md. 1996).

³³ See *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104, 124 (1978).

³⁴ See *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 539 (2005).

³⁵ See *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104, 130-32 (1978).

³⁶ *First Eng. Evangelical Lutheran Church of Glendale v. Los Angeles Cnty., Cal.*, 482 U.S. 304, 315 (1987).

³⁷ Excelsior City Code Sec. 20-5(c).

³⁸ See *Id.* at Sec. 20-4(j).

³⁹ Excelsior City Code Sec. 20-12.

February 12, 2025

Heritage Preservation Commission
City of Excelsior
37 Water Street
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Dear Mr. Chair and Members:

We represent Mithun Enterprises and its development team. Please accept this consolidated response for the administrative record regarding the Site Alteration Permit (“SAP”) and related demolition request for the Tonka Theater. As a threshold matter, the Applicant expressly reserves all rights with respect to the Commission’s failure to act within the mandatory timeframes set forth in its ordinance.¹ The ordinance requires the Commission to approve or deny the application within sixty (60) days and permits an extension only upon a formal finding of probable cause to reuse the historic resource.² No such finding was made. When a city deviates from its own ordinance, without explanation, Minnesota courts have found such failure to be arbitrary and capricious. Accordingly, the Applicant’s position is that this application has been approved by operation of law, and nothing in this submission should be construed as a waiver of that position.

This letter is intended to (i) clarify the record, (ii) correct material misstatements and overreach in the City’s historic preservation consultant memorandum dated January 27, 2026 (the “Consultant Memorandum”), and (iii) explain why the proposed changes to the Tonka Theater (the “Project”) comply with the Excelsior City Code.

The development team fully acknowledges the Tonka Theater’s historic significance as a contributing structure within the Excelsior Commercial Historic District. The site alteration permit proposal is preservation-oriented: it retains the entire street-facing façade; restores historically appropriate exterior materials; reconstructs the marquee; and returns the building to productive civic use. The narrow dispute is not whether the Theater is historic, but whether the City may deny a partial demolition by applying standards that are not found in (and exceed) the adopted ordinance criteria.

¹ Section 20-12 (e) *Action by commission*. Upon receiving an application requesting the demolition or relocation of a landmark or a contributing site located in an historic district, the commission within **60 days after receipt** of the application shall either approve or deny such application. If the commission finds that probable cause exists to reuse the historic resource, the commission may extend the review time to 90 days from the receipt of the application, and notify the applicant of such postponement. Staff was reminded by the Applicant that a public hearing was required for the SAP. Staff could have complied with the 60-day time period, but failed to notice a public hearing.

² *500, LLC v. City of Minneapolis*, 837 N.W.2d 287, 292 (Minn. 2013). Heritage preservations proceedings are akin to hearings on a conditional use permit directed at a specific property and related to specific property rights. HPC applications are a written request relating to zoning under Minn. Stat. 15.99.

I. The City's Historic Preservation Authority Is Limited to Those Powers Expressly Delegated to it Under Minnesota Law

Historic preservation authority in Minnesota operates through a multi-tiered statutory framework allocating responsibility among federal, state, and local actors. While municipalities play a critical regulatory role, that role is limited to powers delegated to the City by state statute and implemented through local ordinance. Local commissions therefore exercise regulatory authority, not free-floating discretion, and may not expand requirements beyond what the ordinance and adopted standards provide. Accordingly, the Commission's review of this SAP must be tethered to (a) the standards expressly adopted in Chapter 20 of the City Code, and (b) the specific findings required by that ordinance. Preservation policy preferences, even sincerely held, cannot substitute for ordinance criteria.

II. The City Code Contemplates Demolition and Does Not Authorize Categorical Prohibition

The plain language of the Excelsior City Code does not prohibit partial or full demolition of contributing structures. Section 20-12 expressly contemplates demolition (including full demolition) where the applicable findings are met. The ordinance establishes a criteria-based, discretionary review, not a categorical ban. City ordinances are strictly construed against the City, in favor of the property owner. Minnesota courts give weight to the interpretation that, while still within the confines of the language of the ordinance, is "least restrictive upon the rights of the property owner to use his land as he wishes."³

Against this backdrop, repeated assertions in the Consultant Memorandum that the historic district was "not designated to allow demolitions," or that approval would be improper because it would "set a precedent," are policy arguments unrelated to the plain language of the ordinance. Treating demolition as presumptively forbidden improperly converts a discretionary standard into compete ban. Permanently denying an owner beneficial use of historic property or requiring substantial investment in repairs over the owner's objection constitutes a compensable taking under Minnesota law.⁴

We must note that in the hours of public hearings held on this Project, staff report after staff report notes the proposed demolition as "partial demolition" subject to the partial demolition standards of the City Code.⁵ Not until 3 days before the proposed hearing before the HPC, did staff and the City Consultant provide notice to the development team that this Project would not be reviewed under the partial demolition standards but the demolition standards in section 20-

³ *Frank's Nursery Sales, Inc. v. City of Roseville*, 295 N.W.2d 604 (Minn. 1980).

⁴ To permanently deny an owner the beneficial use of his property except by requiring him to make a substantial investment in repairs and renovation, over his objection, would constitute a "taking" for which the owner has a right to compensation. *State by Powderly v. Erickson*, 301 N.W.2d 324, 326 (Minn. 1981).

⁵ In its final memo to the City Council, published in advance of the July 21, 2025 Council consideration of the preliminary PUD, staff writes:

Staff recommends that as the HPC considers the proposed *partial demolition* of the Tonka Theatre building the analysis should consider the impact of a *partial demolition* of a Contributing structure on the Downtown Historic District as a whole (emphasis added).

12. Section V demonstrates why the plans comply with the standards for 20-12, but as a threshold matter, we object to the characterization of this Project as a full demolition.

The proposed work meets the City Code definition of “partial demolition.” Removal is limited to (i) structurally compromised portions of the building and (ii) the non-contributing additions. All Water Street massing, height, and façade elements are retained. The portion proposed for removal is not readily visible from Water Street. The disagreement over percentage calculations reflects a broader concern regarding the purpose and analytical foundation of the Consultant Memorandum. In an apparent effort to characterize the application as triggering the full demolition standard, the memorandum introduces revised building square footage figures that are not supported by any engineering or architectural documentation.

The Consultant Memorandum adds the unused and unoccupiable basement square footage to push the building into the full demolition category, while essentially ignoring the work done by the development team and its professional engineers to save a significant portion of the original theater. To be clear, the basement square footage can be retained, and if it is retained, the building would by the consultant's new calculations fall within the 30-percent threshold for partial demolition. This is the type of issue appropriately raised with an applicant during the course of a nearly 70-day review process, not introduced for the first time three days before a hearing on the application. Instead, the consultant revised material calculations without addressing the Applicant's updated analysis or providing a meaningful opportunity for response.

III. Historic Designation Record Does Not Support the Consultant's Reframed Areas of Significance

The Consultant Memorandum repeatedly asserts that the building's volume and rear mass are “character-defining features” whose loss would permanently damage integrity. That assertion is not supported by the historic designation record. The designation narratives emphasize the Theater's east façade, marquee, Art Moderne detailing, and Water Street presence not rear massing, lake-facing visibility, or interior auditorium volume as independent sources of significance. The designation study providing for the designation of the district is attached as Exhibit A. The façade ornamentation is mentioned, Water Street massing is mentioned, but no other physical components are described. These features are maintained under the proposed SAP. Moreover, and for decades, the rear mass elevated by the Consultant Memorandum was obscured by non-contributing structures, including the former Pizza Hut building. Preservation analysis must be anchored in what is actually designated, not what is later asserted as significant without documentary support.

The Consultant Memorandum further asserts that the internal volume of the theater must be preserved in its entirety. Neither the Secretary of the Interior's Standards nor the City Code imposes a categorical prohibition on partial alteration of a single interior space. To the contrary, adaptive reuse of National Register listed theaters routinely involves subdivision, reconfiguration, or selective modification of interior volume while maintaining historic designation. The building's interior configuration is not identified as a defining element of its designation as a contributing structure. This further highlights internal inconsistency within the memorandum. It acknowledges that the HPC does not regulate use and that interior spaces commonly evolve over time, yet it effectively treats the auditorium's interior volume as though it were entitled to the same level of protection as the Water Street façade or the building's overall height and massing.

IV. The Consultant Memorandum Ignores the Procedural and Practical Record Established by the Development Team Over the Last Three Years.

The Consultant Memorandum misstates and omits key procedural context. The Project has been subject to multiple concept plans and extensive public process over several years, and revised concepts reflecting partial demolition were presented in public meetings involving the Planning Commission, HPC, and City Council. The memorandum ignores that an adaptive reuse model intended to retain 100% of the theater space was rejected by the City Council due to adjacent building height and parking concerns.

Similarly, the memorandum ignores that there has been extensive discussion of the underlying retention of the theater use. The consultant writes:

The owner has not provided tenant names or tenant signage to the building and the City cannot require the building remain a theater. While many Excelsior residents have a shared historic bond for continuing the theater use as a community space, the HPC's design review is not based on use and the HPC cannot require a theater use. Furthermore, there is nothing to hold the owner to the proposed second-story theater and interior plans could change in the future without HPC review. The owner has already claimed that theaters are obsolete, so the inclusion of a theater is confusing in the application.

This characterization is incorrect. The City is requiring the building to remain a theater and multipurpose community space. The resolution approving the Preliminary Planned Unit Development expressly conditions approval on continued theater and community use. Moreover, the HPC's review cannot proceed in isolation, as if the Project has not already undergone extensive review and analysis through the City's broader land use process.

The proposed *non-profit* theater use has been consistently and repeatedly presented, analyzed, and affirmed as a foundational element of the Project. Members of the Mithun design team and FilmNorth have testified on multiple occasions regarding the intended long-term theater and community programming use of the building. The continued operation of the theater is not an incidental or "confusing feature" of the application; it is a central public-benefit component of the Project and should be evaluated accordingly.

V. Approval of the submitted SAP is Required Under the Ordinance

The purpose of the HPC is to preserve, protect, perpetuate, and enhance structures within the historic district that possess special historic, community, or aesthetic value. The Commission is charged with stewardship of the City's heritage. But this purpose language is not limited to preservation and protection alone. It expressly includes *perpetuation* and *enhancement*. This Project is consistent with all four of those objectives

Nevertheless, the City and its consultant refuse to acknowledge that alignment, instead elevating the apparent policy preferences of a small subset of individuals over the demonstrated commitment of the broader community and the extensive, community-engaged design process this Project has undertaken over the past three years. There is zero emphasis in the Consultant Memorandum on perpetuation and enhancement, two areas in which this Project excels.

Rather than grounding its analysis in the practical realities established through expert testimony submitted by the Applicant and multiple rounds of public review, the Consultant Memorandum speculates and overstates alleged compliance deficiencies while disregarding the HPC's affirmative duties under the ordinance, including its obligation to:

1. Strengthen the local economy;
2. Promote the use of buildings and structures for economic prosperity, education, inspiration, and the general welfare of people of the City; and
3. Assist, encourage, and provide incentives to owners for the preservation, restoration, rehabilitation, and productive use of historic buildings, structures, objects, and sites.

In reviewing the SAP, the Consultant Memorandum disregards the extensive presentations, design work, and technical analysis prepared in connection with this Project. It ignores multiple concept plan reviews conducted for this site and instead approaches the application with a predetermined objective of identifying a basis for denial.

As previously noted, the analysis reflects a selective and inconsistent application of the ordinance, recasting the Applicant's partial demolition request as a full demolition. The City accepted the SAP as a complete partial demolition application and never rejected it as incomplete. Nevertheless, the consultant seeks to extract the Project from the plain language definition of partial demolition, and instead attempts to recharacterize it as a full demolition by shifting analytical assumptions mid-process. Notwithstanding the foregoing procedural and analytical deficiencies, the Project independently satisfies the findings and approval criteria applicable to *full demolition*, as demonstrated below.

Requirement	Consultant Determination	Applicant Response
Concept review / process history	Concept review was not properly submitted.	The Project has undergone multiple concept plan reviews for both the Theater and the adjacent mixed-use component. Plans were revised in response to HPC comments (including height/design details along Water Street).
Concept Review	Concept review failed to account for retaining entirety of the Theater	A full-retention concept was presented. City Council rejected the proposal.
Non-contributing structures	Additions outside the period of significance are non-contributing; consultant suggests applicant assumptions about additions are incorrect	Prior City materials and staff reports have treated later additions (including the 1989 addition) as non-contributing and not visible from Water Street. The proposal removes non-contributing components while preserving contributing, Water Street-facing features.
Public Hearing	Public hearing scheduled for February 24.	Despite completeness determination in November, notice and hearing scheduling were delayed for months.

Requirement	Consultant Determination	Applicant Response
Decision timeline	HPC has 120 days to approve or deny under Minn. Stat. § 15.99. ⁶	The ordinance language is more restrictive: it provides a 60-day decision period with limited extension tied to probable cause regarding reuse. Owner preserves this procedural issue for the record.
Engineering / structural documentation	The Engineering study is insufficient to support partial demolition; consultant questions structural unsoundness.	The qualified engineer's report documents structural deterioration and supports the proposed scope. The City has not offered a contrary engineering opinion; consultant interpretation is not a substitute for professional engineering evidence. ⁷
Total demolition criterion: Alternative undertakings and reuse assertions	Full retention could be supported through tax credits or alternative uses; Applicant failed to explore these mechanisms.	Full retention was explored in prior concepts; feasibility is constrained by physical limitations and lack of on-site parking. Suggested uses (e.g., internal amenity concepts) do not demonstrate reasonable economic use. While Consultant lists "alternatives" the ordinance imposes a proactive duty on the part of City staff, HPC and its consultant to facilitate alternative funding mechanisms for retention. The design team has been engaged in this process for over three years.
Total demolition criterion: Architectural significance	Façade is valuable, but rear massing and lake visibility are determinative.	Designation materials emphasize Water Street façade, marquee, and Art Moderne detailing; they do not identify rear massing or lake-facing visibility as determinative. Historically the rear was obscured by non-contributing structures.
Total demolition criterion: Historical significance / interior auditorium	Interior auditorium volume is of particular significance; loss undermines integrity.	The designation narrative does not elevate the auditorium volume as an independent source of integrity. This is a new interpretation made by the consultant for the first time in this report. The proposal retains

⁶ In *Moreno v. City of Minneapolis*, the court addressed whether an appeal to a city council triggers a new 60-day deadline under Section 15.99 or must be decided within the original 60-to-120-day period. The court held that under Minneapolis's appeals process which mirrors the City's HPC appeal process, a zoning application is not approved or denied for purposes of Section 15.99 until the city council—not the planning commission—has resolved all appeals challenging the application. This means the appeal is part of the original request timeline, not a separate process with its own deadline. *Moreno v. City of Minneapolis*, 676 N.W.2d 1 (2004).

⁷ "In making its decision, a municipality may not 'reject expert testimony without adequate supporting reasons.'" *BECA of Alexandria, L.L.P. v. County of Douglas ex rel. Bd. of Com'rs*, 607 N.W.2d 459, 463 (Minn. Ct. App. 2000) (quoting *SuperAmerica Grp., Inc. v. City of Little Canada*, 539 N.W.2d 264, 267 (Minn. Ct. App. 1995)). "Non-experts can supply adequate reasons to counter or reject expert opinions, but those reasons must be concrete and based on observations, not merely on fears or speculation." *Id.* (citations omitted). In *BECA of Alexandria*, the court held arbitrary and capricious a condition the county placed on a CUP prohibiting docks, rafts, buoys, and mooring stations after finding the condition was "based solely on unscientific concerns rather than factual data[.]" *Id.*

Requirement	Consultant Determination	Applicant Response
		defining historic exterior features and enables continued civic use.
Total demolition criterion: Attempt to maintain the structure	Owner's roof repairs indicate the structure is sound.	Maintenance efforts do not negate documented deterioration and safety/code constraints. The Consultant's report acknowledges there is no evidence of owner neglect.
Total demolition criterion: Retention of the resource constitutes a hazard to public safety that cannot be eliminated by economic means available to the owner	Owner could sell the property to someone for a price equivalent to the assessed value.	The hotel-theater concept plan review process documented a \$6 million dollar cost to retain the whole of the theater. The 26 Water Street property is currently assessed at \$573,000. Minnesota courts have long recognized that permanently denying an owner beneficial use of historic property or requiring substantial investment in repairs over the owner's objection would constitute a compensable taking. ⁸
Total demolition criterion: District continuity	Continuity of District requires that the theater remain.	Interpreting continuity to prohibit any meaningful alteration would function as a de facto ban inconsistent with the ordinance, which expressly contemplates demolition where findings are met. Under this interpretation <i>no property</i> within the District could be partially or fully demolished because of its alleged significance to the broader district.
Total demolition criterion: Comp plan alignment	Not addressed.	As reflected in concept review and preliminary PUD approvals, the Project advances Comprehensive Plan goals for downtown reinvestment, pedestrian orientation, and a diverse mix of uses including entertainment. ⁹
Total demolition criterion: Structural integrity	Consultant disputes the engineer's conclusions based on a site visit facilitated by the Applicant.	A qualified structural engineering report documents deterioration and supports the proposed scope; consultant opinion is not a substitute for professional engineering analysis. ¹⁰
Total demolition criterion: effects on surrounding properties	Not addressed.	Partial demolition facilitates constructive reuse of the theater and enables the adjacent residential project, supporting downtown vitality and minimizing blight risk.
Relocation feasibility	Narrative does not address whether the structure can be moved.	The preservation intent is to retain and restore the Water Street façade and maintain the Theater's presence in place as an integral downtown feature. Consultant

⁸ *Supra*, Footnote 4

⁹ 2040 Comprehensive Plan- City of Excelsior, Chapter 3: Land Use (2019) available at: <https://www.ci.excelsior.mn.us/DocumentCenter/View/1459/Comp-Plan-v19-final-with-East-Side-Plan>

¹⁰ *Supra*, Footnote 7

Requirement	Consultant Determination	Applicant Response
		suggestion that relocation should be or failed to be studied, ignores the investment the broader Project is attempting to make in meeting community desire for retention of the majority of the building.

VI. The Project Satisfies the Ordinance's Inordinate Hardship Standard

The ordinance's inordinate hardship inquiry focuses on the relationship between (a) the cost of repair/rehabilitation and (b) the reasonable value and economic use of the property after repair, and (c) whether rehabilitation is impractical, not merely undesirable. The record provided by the Applicant demonstrates that this standard is met.

A. Extraordinary rehabilitation cost relative to value and use

Credible cost estimates previously provided to the City reflect that full retention and rehabilitation (including the auditorium volume) would require approximately \$6 million in investment, grossly disproportionate to the reasonable economic value and income-producing potential of the building in a full-preservation configuration.

B. Longstanding, repeated efforts to reuse and redevelop the property

Redevelopment has been attempted since at least 2021. This development team pursued multiple concept plans over an extended period; only the current proposal has successfully navigated the City's planned unit development process. This reflects sustained good-faith reinvestment efforts.

C. Lack of reasonable economic use under full-preservation scenarios

The ordinance requires reasonable economic use, not hypothetical occupancy. Here, the Project's zoning and lack of on-site parking materially constrains the assembly and institutional uses proposed by the consultant. A 6,300-square-foot church sanctuary (the size of the original auditorium) typically accommodates between approximately 430 and 900 persons, depending on seating configuration. Even at the lowest end of that range, a 430-person assembly-use would require a minimum of 108 parking stalls. By contrast, a comparably sized modern theater with approximately 250 reclining seats requires only 25 parking stalls under the City's ordinance. The consultant's suggestion that the building could be preserved in full and repurposed for assembly or institutional use, like a church, fails to address with the practical realities of the structure itself. The building consists of a deep, windowless floor plate designed for a single-purpose auditorium use. Absent substantial alteration, that space is not readily adaptable to viable office, retail, or community uses. And if subdivided or reconfigured to create leasable areas, the result would be a series of small, interior, light-deficient rooms. This outcome would both undermine marketability and, ironically, alter the very interior volume the Consultant Memorandum highlights.

Speculation that some unidentified user might occupy the building under a full preservation scenario does not constitute evidence of reasonable economic use and a basis for denial. The ordinance requires more than hypothetical possibilities; it requires a demonstrated ability for the property to function feasibly within real market conditions and applicable code constraints. The project development team has repeatedly testified in multiple public sessions regarding its good-faith efforts to evaluate and pursue constructive adaptive reuse options, including outreach,

financial analysis, and alternative programming concepts. Those efforts have not produced a viable path forward under a full-preservation scenario. Simply advancing theoretical alternatives, without evidentiary or financial support, does not satisfy the ordinance's findings requirement and does not provide a defensible basis for denial.

D. Hardship is not self-created

The Theater remained in active use until 202. Current conditions reflect functional obsolescence and documented deterioration, not intentional disinvestment. The ownership group has maintained the theater since its closure, but as demonstrated in the submitted engineering reports, structural issues will continue to contribute to deteriorating condition.

E. Total rehabilitation is impractical under the ordinance standard

Taken together, the extraordinary investment required for full retention, the extended record of attempted adaptive reuse, and the absence of reasonable economic use under full-preservation scenarios demonstrate inordinate hardship if strict full-retention were required. The proposed demolition is the feasible path that preserves defining features and restores productive use.

VII. Constitutional Limits Prohibit Indefinite Preservation

Minnesota courts recognize historic preservation regulations as a legitimate exercise of police power, while also emphasizing constitutional limits where regulation permanently denies beneficial use or effectively forces substantial investment in repairs over the owner's objection. In *State by Powderly v. Erickson*, the Minnesota Supreme Court drew a critical boundary: permanently denying an owner the beneficial use of historic property except by requiring substantial investment in repairs over the owner's continued objection constitutes a compensable taking. The Court further held that where neither the owner nor any public body elects, after a reasonable period of time, to preserve a historic structure through acquisition or legislation, the owner retains a constitutional right to demolish the structure or put the property to any other lawful use.

Subsequent cases apply the *Penn Central* framework, focusing on economic impact, interference with investment-backed expectations, and the character of the governmental action. Importantly, financial feasibility is not evaluated at the time of designation in the abstract, but when an owner seeks approval for a specific alteration. Precisely where we are now. That flexibility is the mechanism that keeps preservation regulation within constitutional bounds. Approval of this SAP preserves defining historic features, retains contributing status, restores productive use, and avoids indefinite restriction without public acquisition, compensation, or viable private reuse. This reinforces why the City should approve this Project in compliance with its ordinance.

For the reasons above, the proposed SAP advances the core purpose of Chapter 20 by protecting historic resources through continued, viable use. It retains the Theater's defining historic exterior features and qualifies as partial demolition under the ordinance. Thinking about this Project as "total demolition" ignores the practical reality that this Project retains a significant component of the theater. The Consultant Memorandum applies new standards, selectively weighs evidence, and introduces hypotheticals that are not tied to market realities. It should not serve as the basis for denial. The Owner respectfully requests approval of the Site Alteration Permit and welcomes continued collaboration on reasonable conditions that ensure the long-term preservation and success of the Tonka Theater.

Please do not hesitate to reach out to any member of the Mithun team with questions in advance of the February 24, 2026 meeting.

Sincerely,


Megan C. Rogers, for
Larkin Hoffman

Direct Dial: (952) 896-3395

Direct Fax: (952) 842-1847

Email: mrogers@larkinhoffman.com

cc: Kristi Luger, City Manager (kluger@excelsiormn.org)
Julia Mullin, Community Development Director (jmullin@excelsiormn.org)
Ronald Batty, City Attorney (rbatty@kennedy-graven.com)
Matt Mithun (matt@mithunent.com)
Mayor Gary Ringate (gringate@excelsiormn.org)
Councilmember Tim Bildsoe (tbildsoe@excelsiormn.org)
Councilmember Jennifer Caron (jcaron@excelsiormn.org)
Councilmember Chrystal O'Hanlon (cohanlon@excelsiormn.org)
Councilmember Anne Vogel (avogel@excelsiormn.org)

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of Property

Historic name: Excelsior Commercial Historic District

Other names/site number: _____

Name of related multiple property listing: _____

(Enter "N/A" if property is not part of a multiple property listing)

2. Location

Street & number: Roughly bounded by Lake Street on the north, West Drive on the west, Third Street on the south, and East Drive on the east City

or town: Excelsior State: MN County: Hennepin

Not For Publication: ☐ N/A Vicinity: ☐ N/A

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this ☒ nomination ☐ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property ☒ meets ☐ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

☐ national ☐ statewide ☒ local

Applicable National Register Criteria:

☒ A ☐ B ☐ C ☐ D

	9/3/2021
Signature of certifying official/Title: Deputy SHPO, MN Dept. of Admin. Date	
State or Federal agency/bureau or Tribal Government	
In my opinion, the property ☐ meets ☐ does not meet the National Register criteria.	
Signature of commenting official:	Date
Title :	State or Federal agency/bureau or Tribal Government

Excelsior Commercial Historic District
Name of Property

Hennepin, Minnesota
County and State

4. National Park Service Certification

I hereby certify that this property is:

- ☐ entered in the National Register
☐ determined eligible for the National Register
☐ determined not eligible for the National Register
☐ removed from the National Register
☐ other (explain:) _____

Signature of the Keeper

Date of Action

5. Classification

Ownership of Property

(Check as many boxes as apply.)

- Private: ☒
Public – Local ☐
Public – State ☐
Public – Federal ☐

Category of Property

(Check only **one** box.)

- Building(s) ☐
District ☒
Site ☐
Structure ☐
Object ☐

Excelsior Commercial Historic District
Name of Property

Hennepin, Minnesota
County and State

Number of Resources within Property

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>32</u>	<u>5</u>	buildings
<u> </u>	<u> </u>	sites
<u> </u>	<u> </u>	structures
<u> </u>	<u> </u>	objects
<u>32</u>	<u>5</u>	Total

Number of contributing resources previously listed in the National Register 0

6. Function or Use

Historic Functions

(Enter categories from instructions.)

COMMERCE/TRADE/business

COMMERCE/TRADE/specialty store

COMMERCE/TRADE/restaurant

COMMERCE/TRADE/department store

COMMERCE/TRADE/financial institution

SOCIAL/meeting hall

RECREATION AND CULTURE/theater

GOVERNMENT/post office

Current Functions

(Enter categories from instructions.)

COMMERCE/TRADE/business

COMMERCE/TRADE/specialty store

COMMERCE/TRADE/restaurant

COMMERCE/TRADE/professional

COMMERCE/TRADE/financial institution

SOCIAL/meeting hall

RECREATION AND CULTURE/theater

Excelsior Commercial Historic District
Name of Property

Hennepin, Minnesota
County and State

7. Description

Architectural Classification

(Enter categories from instructions.)

LATE VICTORIAN: Renaissance Revival

LATE VICTORIAN: Romanesque Revival

LATE 19TH AND EARLY 20TH CENTURY AMERICAN MOVEMENTS: Commercial
Style

LATE 19TH AND EARLY 20TH CENTURY AMERICAN MOVEMENTS: Georgian
Revival

MODERN MOVEMENT: Moderne

Materials: (enter categories from instructions.)

Principal exterior materials of the property:

Foundation: STONE, CONCRETE

Walls: BRICK, STONE, STUCCO, CERAMIC TILE

Roof: ROOFING MEMBRANE, ASPHALT

Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

Summary Paragraph

See continuation sheet.

Narrative Description

See continuation sheet.

Excelsior Commercial Historic District
Name of Property

Hennepin, Minnesota
County and State

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- ☒ A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ B. Property is associated with the lives of persons significant in our past.
- ☐ C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ D. Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply.)

- ☐ A. Owned by a religious institution or used for religious purposes
- ☐ B. Removed from its original location
- ☐ C. A birthplace or grave
- ☐ D. A cemetery
- ☐ E. A reconstructed building, object, or structure
- ☐ F. A commemorative property
- ☐ G. Less than 50 years old or achieving significance within the past 50 years

Excelsior Commercial Historic District
Name of Property

Hennepin, Minnesota
County and State

Areas of Significance

(Enter categories from instructions.)

COMMERCE

Period of Significance

1886-1955

Significant Dates

Significant Person

(Complete only if Criterion B is marked above.)

N/A

Cultural Affiliation

N/A

Architect/Builder

Miller, Charles F.

Morse, William

Elliot, H. B.

Liebenberg and Kaplan

Excelsior Commercial Historic District
Name of Property

Hennepin, Minnesota
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Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

See continuation sheet.

Narrative Statement of Significance (Provide at least **one** paragraph for each area of significance.)

See continuation sheet.

Excelsior Commercial Historic District
Name of Property

Hennepin, Minnesota
County and State

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

See continuation sheet.

Previous documentation on file (NPS):

- ☐ preliminary determination of individual listing (36 CFR 67) has been requested
- ☐ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey # _____
- ☐ recorded by Historic American Engineering Record # _____
- ☐ recorded by Historic American Landscape Survey # _____

Primary location of additional data:

- ☐ State Historic Preservation Office
- ☐ Other State agency
- ☐ Federal agency
- ☐ Local government
- ☐ University
- ☒ Other

Name of repository: Excelsior-Lake Minnetonka Historical Society

Historic Resources Survey Number (if assigned):

HE-EXC-025	HE-EXC-349	HE-EXC-358	HE-EXC-368
HE-EXC-026	HE-EXC-350	HE-EXC-359	HE-EXC-369
HE-EXC-027	HE-EXC-351	HE-EXC-360	HE-EXC-370
HE-EXC-256	HE-EXC-352	HE-EXC-361	HE-EXC-371
HE-EXC-330	HE-EXC-353	HE-EXC-362	HE-EXC-372
HE-EXC-331	HE-EXC-354	HE-EXC-363	HE-EXC-390
HE-EXC-341	HE-EXC-355	HE-EXC-364	HE-EXC-642
HE-EXC-347	HE-EXC-356	HE-EXC-365	
HE-EXC-348	HE-EXC-357	HE-EXC-366	

Excelsior Commercial Historic District
Name of Property

Hennepin, Minnesota
County and State

10. Geographical Data

Acres of Property 4.58

Use either the UTM system or latitude/longitude coordinates

UTM References

Datum (indicated on USGS map):

☐ NAD 1927 or ☒ NAD 1983

1. Zone: 15	Easting: 455306.89	Northing: 4972473.52
2. Zone: 15	Easting: 455346.31	Northing: 4972400.79
3. Zone: 15	Easting: 455258.55	Northing: 4972208.27
4. Zone: 15	Easting: 455168.15	Northing: 4972297.27

Verbal Boundary Description (Describe the boundaries of the property.)

The southeast corner of the historic district is at the intersection of Third Street and East Drive. From that point, the boundary runs north along East Drive to the center of Second Street. It then runs west until it is in line with the east property line of 409 Second Street. The boundary runs north to the northeast corner of 409 Second Street. From that point, the boundary turns west and follows the north property lines of 409 Second Street and 31 Water Street and continues to the center of Water Street. The boundary runs north along Water Street until it aligns with the north property line for 26 Water Street. The boundary follows that property line to the northwest corner of 26 Water Street. From there, it turns south and follows the west property lines for 26, 28, and 34-50 Water Street and continues to the center of Second Street. The boundary jogs east to align with the west property line for 206 Water Street. The boundary follows that property line to the southwest corner of 206 Water Street and then turns west to follow the north property line of 212 Water Street to West Drive. The boundary turns south and follows West Drive to the southwest corner of 274 Water Street. It follows the south property line of 274 Water Street and then turns south to follow the west property lines of 270-274 and 278 Water Street to the southwest corner of 278 Water. The boundary follows the south property line to the center of Water Street. It runs south along Water Street and turns east on Third Street to its intersection with East Drive.

Excelsior Commercial Historic District
Name of Property

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Boundary Justification (Explain why the boundaries were selected.)

This boundary includes the city lots for all contributing and non-contributing properties in the historic district. East Drive and West Drive historically defined the commercial district and are clear physical dividing lines. They serve as the east and west boundaries of the historic district. Lake Street and Lake Minnetonka are clear physical barriers at the north end of the district. The district boundary was moved south of Lake Street to exclude non-contributing resources. Third Street was historically the south end of the commercial district and is a clear dividing line between the commercial buildings to the north and industrial and residential buildings to the south. The boundary at the southwest corner was modified to exclude a non-contributing resource.

11. Form Prepared By

name/title: Rachel Peterson, historian
organization: Hess, Roise and Company
street & number: 100 North First Street
city or town: Minneapolis state: MN zip code: 55401
e-mail: rachel@hessroise.com
telephone: 612-338-1987
date: March 2021

Additional Documentation

Submit the following items with the completed form:

- **Maps:** A USGS map or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section number 7 Page 1

Excelsior Commercial Historic District

Name of Property

Hennepin, Minnesota

County and State

Name of multiple listing (if applicable)

7. Narrative Description

Summary

The Excelsior Commercial Historic District comprises approximately two blocks of downtown Excelsior near Lake Minnetonka. The district includes thirty-seven commercial buildings, of which thirty-two are contributing resources and five are non-contributing resources. Three of the non-contributing resources were constructed after the period of significance, and two underwent significant alterations and do not retain sufficient integrity to be contributing resources.

The buildings in the historic district were constructed between 1886 and 1971. The majority of the properties date from the late nineteenth and early twentieth centuries and are one- or two-story brick structures. They form a nearly continuous building face on either side of Water Street between Second and Third Streets. Construction in downtown Excelsior paused during the Great Depression, but a handful of commercial buildings were constructed in the years shortly before and after World War II to fill undeveloped or recently cleared lots. The north block of Water Streets between Lake and Second Streets, which initially held hotels and boarding houses for the tourist industry, was largely redeveloped during this period with new entertainment, auto sales and service, and commercial buildings.

The district is roughly bounded by Lake Street on the north, East Drive on the east, Third Street on the south, and West Drive on the west. Lake Minnetonka is north of the district.

Narrative Description

Commercial Buildings

The majority of the buildings in downtown Excelsior are one- or two-story commercial blocks. These buildings most often have masonry or concrete-block walls, and the primary facades are brick. The first floors have storefront windows and entrances, many of which were renovated during the mid-twentieth century to adapt to changing needs and taste. The upper floor of two-story commercial blocks usually held offices or small apartments. Ornamentation on the commercial buildings is limited to the window openings and the cornice line. Variations on the Romanesque Revival and Renaissance Revival styles are most common on the late-nineteenth and early-twentieth century buildings.

Fraternal Organization Buildings

Two of the largest and most ornate buildings in downtown Excelsior—the Excelsior Masonic Temple (249 Water Street) and the IOOF Temple (250-252 Water Street)—were constructed for fraternal organizations. The IOOF Temple is a good example of the Romanesque Revival style and the Masonic Temple is a good example of Georgian Revival architecture.

Automotive Sales and Service Buildings

Auto repair shops and dealerships were constructed in downtown Excelsior during the 1920s-1940s as automobiles became more popular. Two buildings of this type in the historic district—the Phillips Garage (420 Second Street) and the Wistrand Motor Company (421 Third Street)—are utilitarian one-story structures. The Tonka Ford building at 34-50 Water Street was designed in the Art Moderne style and has a rounded southeast corner with large storefront windows. A service wing on the west side of the building is a much simpler design.

United States Department of the Interior
National Park Service

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Continuation Sheet

Excelsior Commercial Historic District

Name of Property

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Name of multiple listing (if applicable)

Section number 7 Page 2

Mid-Century Buildings

The buildings constructed during and after World War II are architecturally distinct from the earlier buildings in the historic district and reflect the popular mid-century architectural styles. Tonka Ford and the Tonka Theater draw on the Art Moderne style and its use of curves. Red Owl Foods/Bacon Drug at 205-207 Water Street used brightly colored glazed-brick cladding and large storefront windows to achieve a modern aesthetic. The Hennessey Building at 28-30 Water Street, built in 1958, took a different approach and was designed to mirror the one-story brick commercial blocks constructed in the late nineteenth and early twentieth centuries.

Street Features

Water Street and Second Street run through the historic district. Both are paved with bituminous and have one lane of traffic in each direction with street parking along the curbs. Concrete sidewalks are on both sides of the streets and have boulevard trees and double-arm streetlights. All of the buildings in the historic district directly abut the sidewalks creating a continuous building facade.

Building Descriptions

Tonka Theater, 26 Water Street, Contributing

The Tonka Theater is a two-story concrete movie theater with a flat roof. The building has an irregular footprint formed by the original 1945 theater and additions in 1972 and 1989 on the west and south walls. The 1945 theater was designed by Liebenberg and Kaplan. The additions are not visible from Water Street. On the primary east facade, facing Water Street, the first floor is clad in vertical wood boards. The main entrance is recessed in the center of the wall and holds two metal double-leaf doors. North of the main entrance is secondary pedestrian entrance and to the south is a display area for movie posters. A marquee is above the first floor and runs the width of the east facade. The building's only ornamentation is a curved, fluted panel on the second floor.

Hennessey Building, 28-30 Water Street, Contributing

The Hennessey Building is a one-story commercial block with a rectangular footprint and a flat roof. The north and south walls are engaged with the neighboring buildings. The walls are running-bond brick painted tan. The building's east facade, facing Water Street, has a central entrance flanked by pairs of non-historic plate-glass-and-metal storefront windows. Non-historic vinyl awnings are above each pair of windows. The single-leaf metal and glass entrance door has two sidelights and transom. A simple crenelated cornice is along the top of the parapet. Decorative brackets are at each end of the cornice, and the parapet is covered in wood beadboard.

Commercial Building, 31-33 Water Street, Contributing

The commercial building at 31-33 Water Street is two stories tall with a rectangular footprint. It has a flat roof with a brick chimney near the center. The primary west facade faces Water Street and is clad in tan brick. The south wall engages the adjacent building and east wall partially engages with 409 Second Street. The north wall is concrete block. On the primary facade, a pair of large storefront windows are in the center of the first floor. Two pedestrian doors with transom lights are on either side of the windows. A large non-historic awning spans the west facade above the first floor. Two window openings are on the first floor and hold multi-pane casement sashes. On the north wall, a pedestrian door is on the first floor and two multi-pane windows are on the second floor.

Tonka Ford, 34-50 Water Street, Contributing

The Tonka Ford building sits at the northwest corner of Water Street and Second Street. The building has two sections: a two-story dealership to the east and a one-story service center to the west.

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The dealership was constructed in the Art Moderne style and has a characteristic rounded southeast corner. The south and east facades are clad in red brick largely set in a common bond, with subtle detailing in the bond pattern across the building. The main entrance is recessed into a large storefront system at the southeast corner. A course of soldier brick runs above the storefronts.

The south wall facade faces Second Street and has two pedestrian doors and a small window west of the corner storefront. Both pedestrian doors have transoms and are recessed into the wall. The east door has rounded stack-bond brick panels on either side of the entrance. The window is between the two doors and has a three-by-one pane arrangement with a transom.

The east facade faces Water Street. A pedestrian door with curved brick sidewalls and a large transom is recessed near the center of the wall. Two storefronts are at the north end of the east wall. The south storefront has a recessed door at its north end with a large storefront window to the south. The north storefront has a recessed door at its south end with a large storefront window to the north. A band of soldier-course brick is above the storefronts. At the north end of the wall is a two-story brick panel that projects slightly from the face of the wall. A pedestrian door with a transom window is recessed into the first floor. Concentric brick panels are above.

Large sets of multi-pane casement windows are on the second floor of the south and east walls. Three pairs of windows are at the southeast corner, seven pairs of windows are on the second floor of the east wall, and two sets of three windows are on the south wall. Panels of tan running-bond brick with two courses of red header bricks are between all of the window bays. Continuous courses of header bricks run across second floor, forming the windowsills and lintels. The north facade engages the adjacent building, and the west wall engages the service center.

The service center is one story tall with a rectangular footprint and a flat roof. The primary south facade faces Second Street. The south facade is clad in wood siding and the west and north walls are concrete block. A storefront is at the east end of the south wall. It comprises a large window to the east and a deeply recessed door to the west with decorative wood pilasters on either side of the door opening. The storefront bay is clad in vertical wood siding with decorative wood pilasters on either end of the bay. Three pairs of sliding windows are on the south facade west of the entrance bay. All have wood surrounds. A decorative wood pilaster is at the west end of the south wall. The north wall has six window openings, each with a fixed window.

Nygren's Clothing Store, 35 Water Street, Non-contributing

Nygren's Clothing Store is a two-story commercial building at the northeast corner of Water and Second Streets. It has a rectangular footprint with a chamfered southwest corner. The first floor is clad in dark-brown running-bond brick veneer. The roof is flat with a false mansard roof clad in asphalt shingles that drops over the second floor. The main entrance is at the chamfered southwest corner. The entrance bay holds a pair of glazed metal doors with a wood surround topped by a broken pediment. A large storefront window is on the south wall and two storefront windows are on the west wall. The windows have wood surrounds and stone sills. A secondary entrance is at the north end of the west wall. It is a wood single-leaf door, with wood surrounds and broken pediment. Three pairs of casement windows are on the second floor, one on the south wall and two on the west wall.

Sampson Building, 200-206 Water Street, Contributing

The Sampson Building is a two-story brick commercial block at the southwest corner of Water and Second

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Streets. The building has a rectangular footprint and a flat roof, which is marked by a wood cornice projecting from the east and north walls. The primary east facade faces Water Street. Four bays of storefront windows surrounded by wood paneling dominate the first floor of the east wall. Each window is separated by a wood pilaster and is topped with a multi-pane transom and an entablature. Multi-pane windows are on the second floor, grouped in one or two pairs. The windows have solid course sills and lintels. Matching storefront windows are at the east and west ends of the north wall, and pairs of multi-pane windows are on the second floor. A one-story storefront addition is at the west end of the north wall. It follows the design of the storefronts.

Red Owl Foods/Bacon Drug, 205-207 Water Street, Contributing

Red Owl Foods/Bacon Drug is at the southeast corner of the intersection of Water and Second Streets. The building is one-story tall with rectangular footprint and a flat roof with metal flashing. The south and east walls abut neighboring buildings. The building was rehabilitated in 2013, and non-historic wall cladding was removed to expose the historic red and yellow glazed brick. The recessed main entrance, which is a double-leaf metal and glass flanked by storefront windows, is near the south end of the west wall. This entrance was installed during the 2013 project. Large storefront windows span the west wall, and a smaller storefront window is on the west end of the north wall.

A new storefront was constructed at the east end of the north wall. Its facade faces Second Street and is clad in dark brown brick. A brick pilaster separates the facade into two bays, and additional pilasters are at the north and south ends of the wall. Each pilaster has three rough-faced stone accent blocks. The pilasters extend above the roofline and delicate brick tracery runs between them. The east bay is recessed and holds a door and a large picture window with a transom. The west bay holds a large picture window with a transom.

Smith and Company Store, 211-213 Water Street, Contributing

The Smith and Company Store is a two-story commercial block with running-bond brick walls and a flat roof. The building's west facade faces Water Street and its north and south walls are largely obscured by adjacent buildings. Where exposed, the north wall is covered with parge coating. The first floor of the west facade is divided into three bays. The north bay holds a large picture window. The center bay is recessed and holds a single-leaf wood door and a large picture window. The south bay holds a picture window and a multi-panel wood door. All bays also have brick infill that was added when the storefronts were redesigned, likely in the 1980s. A non-historic wood-shingle eave is above the storefronts. The second floor has three arched window openings, each holding a non-historic single-pane fixed window. Each window bay has a set of shutters. A raised brick panel is above each window. A modest crenelated cornice is at the roofline.

Wheeler Building, 212 Water Street, Contributing

The Wheeler Building is a one-story commercial block with running-bond brick walls and a flat roof. The building's east facade faces Water Street and its north and south walls are obscured by neighboring buildings. The main entrance is recessed into the center of the east wall. The metal and glass door is topped with a transom window. Large metal and plate glass storefront windows are on either side of the door. The window units have been replaced, but the openings appear unaltered and retain their historic stone sills. A non-historic vinyl awning is above the windows. Subtle brick detailing is along the roof including a course of angled brick, three raised-brick panels, and a corbeled cornice line. The entire facade has been painted brown-gray.

Wheeler Building, 216 Water Street, Contributing

The Wheeler Building is a one-story commercial block with running-bond brick walls and a flat roof. The

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building's east facade faces Water Street and its north and south walls are obscured by neighboring buildings. The main entrance is recessed into the center of the east wall and holds a metal and glass door and transom. Large metal and plate glass storefront windows flank the door. The window units have been replaced, but the openings appear unaltered. A non-historic vinyl awning is above the windows. Subtle brick detailing is along the roof includes courses of angled brick above and below three raised-brick panels. A corbeled cornice line is along the roof below thick metal flashing.

The Happy Hour, 217 Water Street, Non-contributing

The Happy Hour is a two-story commercial block with a rectangular footprint and a flat roof. The west facade faces Water Street, and the north and south walls are obscured by adjacent buildings. The building was originally constructed as a theater and had an ornately decorated facade. It was renamed the Lake Theater in 1929 and the facade was extensively renovated and a new marquee was installed at that time. The original facade and marquee were removed in 1945 when the building was converted to retail. The current facade was installed during a subsequent 2011 renovation. The west facade is clad in brick veneer and the first floor holds a large storefront system comprising three windows to the north, a pedestrian door, and one window to the south. A large awning shelters the storefront. A single square window is at the south end of the second floor. It has a soldier course lintel and brick sill. A solid course of brick runs across the roofline.

Apgar Building, 218-226 Water Street, Contributing

The Apgar Building is a two-story commercial block with a rectangular footprint and a flat roof. The east wall faces Water Street, and the north and south walls are largely obscured by adjacent buildings. The walls are red brick and have a crenelated brick cornice. The first floor has a central entrance that leads to the second floor. The door has two transoms: a single-pane transom directly above the door and a multi-pane transom above. The doorway also has a brick segmental-arch lintel. Large storefront windows with recessed entrances are north and south of the apartment entrance. The storefronts have been modified and have brick infill below the windows. The second floor has seven segmental-arch window openings with stone sills. New sashes have been installed, but the openings appear unaltered.

August Hay Meat Market, 219 Water Street, Contributing

The August Hay Meat Market is a one-story commercial building with a rectangular footprint and a flat roof. The west wall faces Water Street and the north and south walls abut adjacent buildings. The building was constructed c. 1887. The west facade and the facade of the neighboring Bullens General Store were redesigned by Charles Miller in 1910 to visually combine the two buildings. The west facade is variegated brown brick, and has a metal cornice near the roofline with a brick parapet above. The north bay on the facade holds a modern storefront window with a transom. The south bay holds a pedestrian door and a large transom.

Bullens General Store, 223-227 Water Street, Contributing

The Bullens General Store is a one-story commercial building with a rectangular footprint and a flat roof. The west wall faces Water Street and the north and south walls abut adjacent buildings. The building was constructed in 1886 and the west facade was redesigned by Charles Miller in 1910 to visually combine it with the neighboring August Hay Meat Market. The west facade is clad in variegated brown brick. A metal cornice is near the roofline and a brick parapet extends above it. The parapet above the 233 storefront is taller than the parapet above the 227 storefront. The building is divided into two bays. The north bay holds a storefront with a recessed entrance flanked by two windows. Multi-pane transom windows are above the door and windows. The south bay holds three storefront windows and a recessed entrance. Two storefront windows are north of the entrance and one is to

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the south. Multi-pane transom windows are above the door and windows.

Apgar Real Estate Office, 228 Water Street, Contributing

The Apgar Real Estate Office building is a small one-story commercial block. It has a narrow rectangular footprint and a flat roof. The primary east facade faces Water Street and is clad in tan and red running-bond brick. The north and south walls are obscured by adjacent buildings. The east facade is dominated by a storefront window with a recessed entrance at the north end. Tan brick infill is below the widow. The original red brick facade is intact above the storefront and has several bands of perforated and corbelled brickwork near the roofline.

Welter Building, 229-231 Water Street, Contributing

The Welter Building is a two-story commercial block with tan running-bond brick walls and a flat roof. The west wall faces Water Street and the north and south walls are largely obscured by adjacent buildings. Where exposed, the north wall has been covered with a parge coat. On the first floor of the east facade, a pedestrian door leading to the second floor is at the south end of the wall. The door opening has a recessed segmental-arch lintel. A single-leaf door and a large transom fill the opening. A flat eave is between the door and transom. The remainder of the first floor has a large storefront and entrance system for the commercial space. The storefront has three large windows with a pedestrian door at the south end. A watertable and four multi-pane transom windows are above the windows and door. The second floor has four rectangular window openings with continuous stone sills and lintels. The sashes are replacement units, but the window openings are intact. Decorative brickwork with a diamond and triangle pattern is near the roofline on the parapet.

Miller Block, 232 and 234-238 Water Street, Contributing

The Miller Block is a two-story commercial building with a rectangular footprint and a flat roof. The primary east facade faces Water Street and the north and south walls are partially covered by adjacent buildings. Where exposed, they are tan common brick. The primary east facade is tan face brick with buff-stone accents. The first floor has two large, non-historic storefronts that angle slightly into the building. Two pedestrian doors are recessed near the center of the wall. A post between the two doors supports the overhang. A non-historic pressed-metal panel is above the storefronts in place of a transom window. A pedestrian door with a segmental-arch lintel is recessed at the south end of the east wall and leads to the second floor. A metal panel at the top of the door opening reads "Miller Block." The second floor is divided in half by a rusticated brick pilaster. Each half has two arched windows with stone keystones. Each arched window is flanked by narrow one-over-one windows, which have stone lintels. A metal cornice projects from the roofline. Decorative brickwork is below the cornice a has a Greek meander pattern. As of this nomination, the building is undergoing a storefront renovation, and the non-historic storefront windows, pressed-metal panel, and support post have been removed.

Fred Hawkins Building, 235-237 Water Street, Contributing

The Fred Hawkins Building is a two-story commercial block. The primary west facade faces Water Street and the north and south walls abut adjacent buildings. Where exposed, the south wall is tan common brick with a ghost sign. The west facade has three bays and is covered dark brown face brick laid in a running-bond pattern. The first floor has been altered by a new storefront system that includes two doors on the outer bays and a modern window surrounded by infill in the center bay. The replaced wood doors have wood surrounds with fluted pilasters. The door and windows openings have vinyl awnings and a large sign band is above the storefront. The second floor has two window openings with stone sills. The openings are partially infilled with wood boards and hold non-historic sashes. A small round window is above each second-floor window. A decorative parapet with brick tracery extends above the roofline.

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J. D. Jamieson Grocery, 239 Water Street, Contributing

The J. D. Jamieson Grocery building is a one-story commercial block. The primary west wall faces Water Street and is covered in painted running-bond brick. The north and south walls are obscured by adjacent buildings. The west wall features a large storefront system with a recessed center entrance. The window units and door are replacement aluminum units and angle back toward the entrance. A non-historic wood awning is over the storefront. Modest brick detailing, including a course of angle brick and a stepped cornice, is above the storefront. A simple brick parapet rises above the roofline.

Commercial Building, 240 Water Street, Contributing

The building at 240 Water Street is a one-story commercial block with a rectangular footprint and a flat roof. The primary east facade is painted running-bond brick and faces Water Street. The north and south walls are obscured by adjacent buildings. The primary entrance is recessed into the center of the east wall and is flanked by large multi-pane storefront windows. A sign band is above the storefront. Decorative brick corbeling is above the sign band and extends to the top of the wall.

Tony's Barber Shop, 243 Water Street, Contributing

Tony's Barber shop is a small, one-story commercial building. Its primary west facade faces Water Street. The north wall abuts 239 Water Street and a narrow alley dubbed Masonic Lane is on the south side. The west wall is brown running-bond brick, and the remainder of the building is concrete. There is little ornamentation on the building except for brick quoining at the west end of the south wall. A wood door is recessed into the north end of the west wall alongside a large window aluminum.

Miller's Excelo Bakery, 244 Water Street, Contributing

Miller's Excelo Bakery is a two-story commercial block with a rectangular footprint and a flat roof. The building's east wall, which faces Water Street, has four bays and is covered in red running-bond brick with rough-faced sandstone details. The north and south walls are largely obscured by adjacent buildings. Where exposed, the north wall is covered with stucco. On the first floor of the primary facade, a pedestrian door leading to the second floor is at the south end of the wall. The single-leaf door is topped by a short, awning transom and a large multi-pane transom. The remainder of the first floor is dominated by a large storefront system. A doorway is recessed into the storefront's center bay and plate glass windows are on either side. Multi-pane transoms and a sign band are above the windows and door. The second floor was rebuilt in 2009-2010, and originally had a brick facade with two rectangular window openings. Currently, there are four non-historic window openings with segmental-arch lintels and rough-faced sandstone sills. A string course of sandstone runs between the windows below the lintels. A modest cornice is on the roofline.

Excelsior Masonic Temple, 249 Water Street, Contributing

The Excelsior Masonic Lodge stands two stories tall above a raised basement, which is marked by a smoothed limestone stringcourse. The building was designed in the Georgian Revival style using Flemish-bond brown brickwork with smooth limestone details. The primary west facade, facing Water Street, has three bays. The main entrance is recessed into the center of the west facade below a tall arched opening. Inside the entryway, French doors are topped by a small arched transom window. A stained-glass light fixture with Masonic imagery hangs above the entrance. The arched entry surround has a stone keystone, above which is a large stone shield with a carved compass and square. Pairs of six-over-six, double-hung wood windows are on either side of the entrance on the first floor. Each pair of windows shares a soldier-course lintel and limestone sill. The second floor has three sets of three four-over-four, double-hung wood windows with limestone sills. A limestone arch and brick

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soldier course are above each window. There is a stone cornice at the roofline, which is topped by a brick parapet. Four window openings on the basement have been filled with tan brick. The window openings on the north wall have also been filled with brick, but retain their soldier course lintels and brick sills. The south wall adjoins 251 Water Street on the first floor and has no window openings.

IOOF Temple, 250-252 Water Street, Contributing

The IOOF Temple is a two-story brick building and has one of the most ornate facades in downtown Excelsior. The building has a rectangular footprint, brick walls, and a flat roof. The primary east facade, facing Water Street, spans three bays and is clad in red running-bond brick. The north and south walls engage with the neighboring buildings and are tan common brick. On the first floor, a pedestrian door is at the south end of the east facade. A glass panel with chain links and "I. O. O. F." is above the door. A large storefront encompasses the rest of the first floor. It has a recessed central entrance flanked by angled sidelights and flush storefront windows. On the second floor, the north and south bays hold pairs of one-over-one, double-hung windows, with ashlar sandstone sills and lintels. The center bay holds two recessed brick panels that mirror the windows in the outer bays. The ashlar sandstone masonry extends across the facade, giving the appearance of a string course at the second floor. Decorative brick arches are above the stone lintel at each window. Each arch has perforated brick at the center with three rows of soldier course brick surrounding the arch. Rows of corbelled brick above the arches decorate the parapet, which is raised above the roofline. The taller, center parapet bay is marked with the words, "IOOF TEMPLE." The north and south parapet bays slope slightly and are marked with rows of perforated brick above the corbelled. The pilasters also extend up of the parapet, where they are topped with pine-cone-shaped finials.

Commercial Building, 251 Water Street, Non-contributing

The building at 251 Water Street is a one-story commercial block with a rectangular footprint and a flat roof. The primary west facade faces Water Street, and the north and south walls abut the adjacent buildings. The west facade was entirely rebuilt in the 1980s. It is covered in stone. A single-leaf wood door with oversized metal hinges is recessed into the south end of the wall. There is a large arched, wood multi-pane window on the north end of the wall. The upper portion of the wall is covered with a faux mansard roof, which is covered in shingles.

Commercial Building, 254-256 Water Street, Contributing

The building at 254-256 Water Street is a two-story commercial block with a rectangular footprint and a flat roof. The primary east facade faces Water Street, and the north and south walls abut the adjacent buildings. The south wall is partially visible above the neighboring one-story building. It is tan common brick with a ghost sign at the east end of the wall. The building is covered in red running-bond brick with modest rough-faced sandstone detailing. A large mid-century storefront is on the first floor. A door leading to the second floor is recessed at the north end of the storefront and a second door for the commercial space is slightly south of center. The remaining space holds storefront windows. A transom window runs above the storefront. The second floor has five rectangular one-over-one windows that share a stone sill and lintel. Decorative brick arches are above each window. Each arch has perforated brick at the center with three rows of soldier course brick surrounding the arch. A corbelled brick parapet caps the building.

Commercial Building, 260 Water Street, Contributing

The building at 260 Water Street is a one-story commercial block with a rectangular footprint and a flat roof. The primary east facade faces Water Street and the north and south walls abut adjacent buildings. The wall is brown running-bond brick and holds a storefront window with a recessed entrance to the north. A simple brick cornice caps the building.

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Commercial Building, 261 Water Street

The building at 261 Water Street is a one-story commercial block with a rectangular footprint and a flat roof. The primary west facade faces Water Street, and the north and south walls abut the adjacent buildings. The west facade is divided into two bays and is covered in painted running-bond brick. The bays are separated by a brick pilaster, and additional pilasters are at the north and south ends of the facade. The north bay has a large storefront window. The south bay has a recessed, single-leaf wood entrance door flanked by thick sidelights. The door and sidelights are each topped with wood transom units. Non-historic metal and vinyl awnings are above each bay. A stepped brick cornice with metal flashing caps the building.

Commercial Building, 264-266 Water Street, Contributing

The building at 264-266 Water Street is a one-story commercial block with a rectangular footprint and a flat roof. The primary east facade faces Water Street, and the north and south walls abut adjacent buildings. The building is covered in red running-bond brick. The east facade is divided into three bays. Two single-leaf doors, one wood and one metal, are recessed into the center bay. Both have transom lights. The wall surrounding the doors is clad in wood beadboard. Large storefront windows are in the north and south bays. The windows are plate glass with metal sashes. Both have wood panels below and are topped with a wood cornice and transom window. Modest decorative brickwork with dentils is above the storefronts. A coped cornice is on the roofline. Rusticated brick pilasters are at north and south ends of the east wall.

Commercial Building, 270-274 Water Street, Contributing

The building at 270-274 Water Street is a one-story commercial block with a rectangular footprint and a flat roof. The primary east facade, which faces Water Street, has five bays and is clad in red running-bond brick. The north and south walls abut the adjacent buildings. Two single-leaf metal doors, each flanked by narrow sidelights, are recessed into the center bay of the east facade. Pairs of storefront windows are in the north and south bays. The window units on the east facade have been replaced. Modest decorative brickwork is above the storefronts. A series of six transom lights are above the storefronts and entrances. A coped cornice is on the roofline. Rusticated brick pilasters with wood scroll capital are at north and south ends of the building.

Commercial Building, 276-278 Water Street, Contributing

The building at 278 Water Street is a two-story commercial block with a rectangular footprint and a flat roof. The primary east facade faces Water Street and the north and south walls are largely obscured by the adjacent buildings. The east wall, which has three bays, is covered in red running-bond brick with decorative detailing. The main entrance is recessed into the north end of the east wall. Two doors, one leading to the first-floor commercial space and one leading to the second floor are in this bay. A large metal and plate glass storefront window is to the south. Decorative brick panels are above the entrance and storefront bays. Three pairs of windows are on the second floor. Each pair shares a soldier-course brick sill. The brick wall above the windows was removed in 1978, and the space was filled with concrete. A decorative cornice with dentils caps the building.

Tonka Printing, 287 Water Street, Non-contributing

The Tonka Printing building is a one-story commercial block with a rectangular footprint and a flat roof. The primary west facade, which faces Water Street, is clad in brown running-bond brick and wood paneling. The remainder of the building is covered with stucco. The building is divided into three bays. The center bay extends above the roofline and holds four fixed windows and a Juliet balcony. The main entrance is in on the first floor and is recessed into the building. The north and south bays each hold three recessed storefront windows separated by brick pilasters. Non-historic awnings are above each window.

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Commercial Building, 400 Second Street, Non-contributing

The building at 400 Second Street is a one-story commercial block with a rectangular footprint and flat roof. The primary north facade faces Second Street and is clad in dark brown brick. The first floor has two bays. The west bay is recessed into the wall and holds a door and fixed window. The east bay holds a storefront window. Both bays have five-pane transom windows. A parapet wall extends above the roof line and features metal lattices between three brick piers. The north and south walls abut neighboring buildings.

Stemmer Company, 402-406 Second Street, Contributing

The Stemmer Building is a one-story commercial block with a flat roof. The north facade faces Second Street and is clad in variegated red, brown, and tan brick. The east and west walls abut the neighboring buildings. The north facade is divided into three storefront bays, each with large windows, a pedestrian door, and transom lights. The door for the east bay is recessed at the east end of the north wall. The doors for the center and west bay are recessed into the facade slightly west of center. The storefront windows are modern, but historically appropriate, replacements.

Minnetonka State Bank, 409 Second Street, Contributing

The Minnetonka State Bank is a two-story brick building, that steps down to one story at the north end. It has a rectangular footprint with a chamfered southwest corner. The primary south facade faces Second Street. It has two large storefront windows. Pedestrian doors are at the east end of the wall and at the southwest corner. Thin bands of perforated brick detailing and a stone watertable are above the first-floor windows and door. Six arched window openings are on the second floor of the south facade. The southwest door and storefront windows are sheltered by non-historic awnings. The east wall is clad in stucco. Three glass-block windows are at the north end of the wall along with a pedestrian door. One one-over-one window is on the second floor. The west wall abuts 35 Water Street on the first floor and has no window or door openings.

Phillips Garage, 420 Second Street, Contributing

The Phillips Garage at 420 Second Street is a one-story brick commercial block with a flat roof that steps down slightly from north to south. The building, which sits on a concrete foundation and has a concrete structure, is clad in red running-bond brick walls. The primary north facade, facing Second Street, has three bays. The window units on the north facade have been replaced, but the openings are unaltered and retain their stone sills. The east bay has a large metal and plate glass storefront window. An entryway is in the center bay. A single-leaf metal door is flanked by sidelights and has a large transom above. Two smaller storefront windows and a pedestrian door are on the west bay. The door is approached by a concrete stoop with a metal railing. A subtle brick cornice along the roofline, along with gold metal lettering that reads "Phillips Garage Auto Livery." On the east wall, there are four pairs of arched windows. East Drive slopes down slightly from north, exposing a raised basement with rectangular windows. The west wall adjoins 402-406 Water Street.

Wistrand Motor Company, 421 Third Street, Contributing

The Wistrand Motor Company Building is a one-story commercial block. The south facade and south portions of the east and west walls are clad in stucco and the rest of the building is concrete block. The building has a rectangular footprint and a flat roof with camelback coping on top of the parapet wall. The primary south facade, facing Third Street, has three bays. The center bay holds a central entrance flanked by large storefront windows. The east and west bays have storefront windows. The window sashes have been replaced, but the openings appear to be unaltered. Non-historic awnings are above the windows. On the west wall, the south bay holds a storefront window with a multi-light transom. Moving north is a historic industrial-sash window, an overhead door, and

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small glass-block windows. On the east wall, the south bay holds a set of non-historic patio doors sheltered by a wood trellis. Moving north are two small glass-block windows, an industrial-sash window, a pedestrian door, an overhead door and five non-historic casement windows.

Table of Properties

The following table lists all the properties in the boundary of the historic district. The table is organized numerically by address. It lists each property's, historic name, address, and contributing or non-contributing status.

ADDRESS	HISTORIC NAME	YEAR	NRHP STATUS
26 Water Street	Tonka Theater	1940	Contributing
28-30 Water Street	Hennessy Building	1958	Contributing
31-33 Water Street	Commercial Building	1950	Contributing
34-50 Water Street	Tonka Ford	1945	Contributing
35 Water Street	Nygren's Clothing Store	1971	Non-contributing
200-206 Water Street	Sampson Building	1917	Contributing
205-207 Water Street	Red Owl Foods/Bacon Drug	1941	Contributing
211-213 Water Street	Smith and Company Store	ca. 1920	Contributing
212 Water Street	Wheeler Building	1898	Contributing
216 Water Street	Wheeler Building	1898	Contributing
217 Water Street	The Happy Hour	1914	Non-contributing
218-226 Water Street	Apgar Building	1895	Contributing
219 Water Street	August Hay Meat Market	ca. 1887	Contributing
223-227 Water Street	Bullens General Store	1886	Contributing
228 Water Street	Apgar Real Estate Office	1896	Contributing
229-231 Water Street	Welter Building	1902	Contributing
232-234 Water Street	Miller Block	1900	Contributing
235-237 Water Street	Fred Hawkins Building	1904	Contributing
239 Water Street	J. D. Jamieson Grocery	1904	Contributing
240 Water Street	Commercial Building	1901	Contributing
243 Water Street	Tony's Barber Shop	ca. 1946	Contributing
244 Water Street	Miller's Excelo Bakery	1909	Contributing
249 Water Street	Excelsior Masonic Temple	1926	Contributing
250-252 Water Street	IOOF Temple/Morse Dry Goods	1897	Contributing
251 Water Street	Commercial Building	1899	Non-contributing
254-256 Water Street	Commercial Building	1898	Contributing
260 Water Street	Commercial Building	1912	Contributing
261 Water Street	Commercial Building	1899	Contributing
264-266 Water Street	Commercial Building	1915	Contributing
270-274 Water Street	Commercial Building	1915	Contributing
276-278 Water Street	Commercial Building	1912	Contributing
287 Water Street	Tonka Printing	1964	Non-contributing
400 Second Street	Commercial Building	ca. 1965	Non-contributing
402-406 Second Street	Stemmer Company	1920	Contributing

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409 Second Street	Minnetonka State Bank	1899	Contributing
420 Second Street	Phillips Garage	1915	Contributing
421 Third Street	Wistrand Motor Company	1922	Contributing

Integrity

The Excelsior Commercial Historic District displays good historic integrity as a commercial center constructed between the late nineteenth and mid-twentieth century. None of the resources have been moved from their historic location and the district retains good integrity of location. The district also retains its integrity of design, despite alterations to individual resources. Several buildings received new storefronts and windows in the mid- and late twentieth century. The facades retain good integrity of design, and the contributing resources have not undergone substantial alterations. There have been few additions to the buildings in the district, and all have been constructed on rear facades. Several buildings were also faced with non-historic materials in the late-twentieth century. Many of those non-historic materials were removed during renovation projects in the early 2000s, improving the district's integrity. The district also retains good integrity of materials and workmanship, supported by the strong integrity of design. The district also has good integrity of setting. It maintains its relationship to Lake Minnetonka, which was critical to the commercial district's development. Several eighteenth- and nineteenth-century houses are extant outside the district and contribute to its integrity of setting. There has been some demolition and new construction on side streets, but these changes do not degrade the district's overall integrity. The buildings in the district continue to be used as shops, restaurants, and offices, giving the district strong integrity of association. The historic district's good integrity of location, design, materials, workmanship, setting, and association contribute to its integrity of feeling. The district retains its character as a late-nineteenth to mid-twentieth century commercial core. The Excelsior Commercial Historic District retains sufficient integrity of support its eligibility for the National Register.

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8. Statement of Significance

Summary

The Excelsior Commercial Historic District is eligible for listing in the National Register under Criterion A in the area of Commerce. The district is locally significant and represents Excelsior's commercial history, beginning with the town's start as a tourist destination on Lake Minnetonka. The majority of the buildings in the historic district were built during the late nineteenth and early twentieth centuries and held a variety of shops, restaurants, and services for tourists and locals. During the mid-twentieth century, the north block of the district was redeveloped as the tourist industry declined and lakefront hotels were demolished. New entertainment venues and auto sales and service buildings were constructed during this period. The district's period of significance begins in 1886 when the earliest buildings in the district were constructed and ends in 1955 when downtown had been fully developed.

Narrative Statement of Significance

Early Development in Excelsior

Excelsior was founded in 1852 on the south shore of Lake Minnetonka. George Bertram established the town with a group of Euro-American settlers who had moved to Minnesota from New England after the area was opened to new settlement by treaties between the United States government and Dakota leaders in 1851.¹ The new residents formed the Excelsior Pioneer Association in 1853, and each member was entitled to a farm and a village lot of at least one acre. The association also set aside thirteen acres on the lake for a public common. When the Village of Excelsior was incorporated in 1877, the burgeoning town had several churches and residences, a school, and carpenter shops all concentrated on a few blocks between George Street and Lake Minnetonka.²

Excelsior's relationship to Lake Minnetonka was critical to the town's early growth. Streets were laid out in a grid oriented to the lake, and two flat areas—one along the lake shore and a second running north-south where Water Street was built—were ideal for new buildings. The lake also provided essential travel routes that connected Excelsior to larger cities. Steamboat pavilions with ticket offices, waiting rooms, and concession stands were built on the lakeshore at the foot of Water Street. The Red Line Pavilion opened in 1874, followed by the Blue Line Pavilion in 1880, and the Minneapolis, Lyndale and Minnetonka Railway's Motor Line Pavilions in 1886. These pavilions formed an entertainment and service center for tourists who were the basis of the town's early economy.³

Lake Minnetonka's natural beauty made it an attractive destination for summer tourists. Excelsior catered to the visitors by building hotels and boardinghouses near the lake. The boardinghouses were two- to two-and-a-half story wood-frame structures designed in the popular architectural styles of the period, including Second Empire, Victorian, Queen Anne, and Colonial Revival. Some were built as private residences and later adapted for renters. The hotels were much larger and often had wide porches where visitors could sit, socialize, and watch boats on the lake. Two such hotels were constructed at the north end of Water Street in the late 1800s. The White House was built on the east side of the street in 1872 and enlarged in 1886 and 1896. The Hotel La Paul opened on the

¹ Treaties signed at Traverse des Sioux and Mendota in 1851 opened large swaths of Minnesota to new settlement by Euro-Americans. The United States government agreed to pay nearly \$4 million to the Dakota people for nearly all their land in southern, central, and western Minnesota, but little of that payment was received.

² *Excelsior Township, Excelsior, Lake Minnetonka* (np: George B. Wright and G. J. Rice, 1873), map.

³ Ellen Wilson Meyer, *Happenings Around Excelsior: The First Hundred Years* (Excelsior: Tonka Printing, 1982), 23-24, 42, 93, 118.

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west side of the street in 1896 and was later renamed the Excelsior Bay Hotel.⁴

Tourism and industry increased in the late 1800s when railroad tracks were built through Excelsior. In 1880, the Minneapolis and Saint Louis Railway line reached the southeast edge of town. Two years later, the Minneapolis, Lyndale and Minnetonka Railway constructed tracks to Excelsior's boat docks. A new passenger and freight depot was constructed at the south end of downtown in 1883, marking a significant improvement in tourist travel. In 1886, the Saint Paul, Minneapolis and Manitoba, later known as the Great Northern Railroad, ran through Excelsior parallel to the Minneapolis and Saint Louis tracks, and expanded the city's transportation network. These railroad companies promoted Lake Minnetonka as a summer resort destination, and wealthy tourists traveled by rail from across the country to enjoy Excelsior's fishing, boating, concerts, and social scene.⁵

The tourists and a growing number of permanent residents were a fruitful market for new businesses. Water Street, which ran north-south from Lake Minnetonka, became Excelsior's primary commercial thoroughfare. The street was relatively flat, unlike the majority of the town, which made new construction easier. The north block of Water Street already held several houses and hotels, so entrepreneurs set up shop between Second and Third Streets. W. B. Jones opened one of the first stores in 1860, and later ran Excelsior's post office out of his storefront. By 1874, the building was so dilapidated that it needed to be rebuilt. Once the new building was constructed, Jones and his business partner, Theodore Bost, provided nearly all of Excelsior's merchandise from dry goods to hardware. Several new businesses opened on Water Street during the late 1870s including a variety store, a meat market and icehouse, a millinery, and a dressmaker.⁶

Fire and Reconstruction

By the late 1880s, both sides of Water Street between Second and Third Streets had been built up with one- and two-story wood commercial buildings. Grocery stores, carpenter shops, meat markets, and other commercial ventures lined the street. Many of these structures fell quickly into disrepair. Few of the buildings in downtown Excelsior were constructed of brick at this time. Those included the H. F. Bullens General Store at 223-227 Water Street (1886) and the August Hay Meat Market at 219 Water Street (ca. 1887).⁷ An 1885 report from the Board of Health noted that "Backyards and business properties on Water Street between Second and Third [are] in [the] poorest condition."⁸

The desire for improved buildings downtown became a necessity on New Year's Day 1895 when a fire raged through Excelsior, destroying nine commercial blocks and one private home on the west side of Water Street between Second and Third Streets. The loss constituted almost half of the city's business district. Luckily, Excelsior had a volunteer fire department—organized in 1893—which stopped the fire from spreading outside the block, but the damage was severe. The ruined buildings represented key sections of Excelsior's economy including hardware and grocery stores, a hotel, and a feed, flour, and lumber store. The *Minnetonka News* office also burned and despite the damage, the paper reported that "Excelsior is all right. Preparations are being made to rebuild." The article also demanded that any new construction be fireproof—"Buildings must be of brick."⁹

⁴ Meyer, *Happenings Around Excelsior*, 23-24, 42, 93, 118.

⁵ Meyer, *Happenings Around Excelsior*, 23.

⁶ Meyer, *Happenings Around Excelsior*, 11, 18, 21, 24.

⁷ Charles Miller refaced the two buildings in the 1910s to create a unified appearance.

⁸ Meyer, *Happenings Around Excelsior*, 31; *Map of Hennepin County Minnesota* (Minneapolis: George B. Wright, 1873), 11.

⁹ Meyer, *Happenings Around Excelsior*, 41-42; *Historic Excelsior* (Excelsior: Excelsior Heritage Preservation Commission and Excelsior City Council, 1982), 24; *Excelsior Volunteer Fire Department, The Early History: 1893-1993* (Excelsior:

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Over the next fifteen years, most of Water Street between Second and Third Streets was rebuilt. Two local contractors, Charles F. Miller and William Morse, designed the majority of the new commercial buildings. The properties erected in this period were all substantial and defined the city's commercial architectural character. Miller is credited with at least nineteen buildings, all considerable brick structures that reflected the popular architectural styles of the time. He moved to Minnewashta, Minnesota, from Indiana with his parents in 1870, and then trained as a carpenter, mason, and contractor. Miller also owned several buildings along Water Street and constructed a central steam-heat plant in 1935. William Morse specialized in stone and concrete construction. He contributed two distinctive buildings to downtown Excelsior: The Happy Hour Theater and the Phillips Garage.¹⁰

Rebuilding efforts focused on rebuilding the destroyed properties as well as replacing derelict wood buildings on Water Street. Also in 1895, a new building was constructed at 218-226 Water Street for Adrian E. Apgar's meat market. Apgar also worked as a realtor and built an office building at 228 Water Street in 1896, which connected to his meat market.¹¹

The Independent Order of the Odd Fellows (IOOF) lodge at 250-252 Water Street was one of the most impressive new buildings from this period. It was constructed in 1897 for the South Shore Odd Fellows, Minnetonka Lodge 102, which occupied the second floor. The IOOF leased the first floor to A. T. Morse for his dry-goods store. Charles Miller designed the lodge and constructed it using Chaska brick.¹²

New construction accelerated in the last two years of the century. In 1898, the Wheeler Building was constructed at 212-216 Water Street. Another commercial block was built at 254-256 Water Street and held the *Minnetonka Record* offices. In 1899, new commercial blocks were constructed at 251 Water Street and 261 Water Street. New buildings also were constructed on Second and Third Streets as downtown continued to grow. Charles Miller designed the new Minnetonka State Bank, which was built at 409 Second Street in 1899. The building also housed Excelsior's post office. A second floor was added to the bank in 1904.¹³

New Construction in the New Century

Improvement in downtown Excelsior continued into the first decade of the twentieth century. Several of the new buildings constructed in the early 1900s housed entertainment venues. The Welter Block (229-231 Water Street) opened in 1902 as a pool hall and the Fred Hawkins Building (235-237 Water Street) held a saloon when it opened in 1904. Stores and shops occupied many of the other new properties constructed during this decade. The Miller Block at 232-238 Water Street opened in 1900 and was occupied by DeGroodt Hardware. A new building

Tonka Printing, 1993), 9; "The Loss is \$30,000," *Minneapolis Tribune*, January 1, 1895.

¹⁰ "The Man Who Built Excelsior Starts Central Steam Plant," *Minnetonka Record*, December 20, 1935; "Funeral Services Held for Pioneer Excelsior Builder," *Minnetonka Record*, October 25, 1951; Grace Knowlton, *Movies Come to Excelsior* (Excelsior: Tonka Printing, 1997), 7, 16-17; *Historic Excelsior*, 23.

¹¹ "218, 220, 226 Water Street," Architecture/History Inventory Form No. HE-EXC-356, Minnesota State Historic Preservation Office, Saint Paul; "219-227 Water Street," Architecture/History Inventory Form No. HE-EXC-357, Minnesota State Historic Preservation Office, Saint Paul; "228 Water Street," Architecture/History Inventory Form No. HE-EXC-358, Minnesota State Historic Preservation Office, Saint Paul.

¹² "IOOF Temple," Architecture/History Inventory Form No. HE-EXC-025, Minnesota State Historic Preservation Office, Saint Paul; "A Real Character Built the Odd Fellow's Lodge," 250-252 Water Street clipping file, Excelsior-Lake Minnetonka Historical Society, Excelsior.

¹³ Meyer, *Happenings Around Excelsior*, 49, 56; "Minnetonka State Bank," Architecture/History Inventory Form No. HE-EXC-331, Minnesota State Historic Preservation Office, Saint Paul.

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at 240 Water Street was constructed in 1901 for H. B. Elliot's meat market, and the J. D. Jamison Grocery Building (239 Water Street) was built in 1904. The Wood Block was constructed in 1905 at the southwest corner of Water Street and Second Street (200-206 Water Street). The new building housed R. M. Chapman Company Groceries, and was hailed as the "largest and finest building in the village."¹⁴

The new buildings were all constructed of brick, but varied in size and amount of ornamentation. The J. D. Jamieson Grocery Building at 239 Water Street and the building at 240 Water Street were both one-story, single-storefront commercial blocks with modest brick detailing along the roofline. By contrast, the Miller Block at 232-238 Water Street was two stories tall with two commercial spaces on the first floor. The building also incorporated stone detailing and intricate brick work on the second floor, making it one of the most ornate in downtown Excelsior.¹⁵

Despite all of the new masonry buildings, fire continued to plague Excelsior's commercial district. In the early morning hours of April 29, 1902, a fire started in the Sampson Brothers store on the east side of Water Street and spread quickly between the wood-frame commercial buildings. The H. F. Bullens building at 223-227 Water Street—which was constructed in 1887—acted as a firebreak and prevented the flames from engulfing more buildings. The *Minneapolis Journal* reported that "Had the Bullens Block gone, nothing would have saved the rest of the town on the east side of the street to the lake, and it would have taken at least a dozen fine residences, three hotels, livery stable, drug store, bank, and post office."¹⁶

Later fires in Excelsior were smaller and smaller events as more fireproof brick buildings populated the downtown streets. On July 31, 1905, Miller's Excelo Bakery at 244 Water Street was destroyed by flames. Unlike the 1895 and 1902 fires, all of the surrounding buildings were saved. The bakery immediately began rebuilding and the new store opened in 1909.¹⁷

Several years later, yet another fire in 1916 destroyed the Wood Block at 200 Water Street. The fire supposedly started with "spontaneous combustion in 80 tons of coal stored in the basement." High winds fanned the flames and spread the fire to nearby buildings, destroying both of Excelsior's telephone exchanges. Like the bakery, rebuilding began right away and the new commercial block, called the Sampson Building, opened in 1917.¹⁸

The cycles of fire and rebuilding transformed downtown Excelsior into a modern commercial center. A profile of the town in the 1906 *Picturesque Lake Minnetonka* noted that:

Excelsior has had some serious losses among her business houses from fire, but like Chicago, her progressiveness over-topped the loss and after each catastrophe, handsome new buildings seem to rise Phoenix-like from the ashes, until today Water Street presents a metropolitan appearance.

Excelsior has one bank, four hotels, and numerous boarding houses, three grocery stores, three meat

¹⁴ "Isaac Wood Passes Away," *Minnetonka Record Centennial*, April 5, 1907.

¹⁵ "Miller Block," Architecture/History Inventory Form No. HE-EXC-360, Minnesota State Historic Preservation Office, Saint Paul.

¹⁶ "Loss at Excelsior," *The Minneapolis Journal*, April 29, 1902.

¹⁷ "Fire," *Minneapolis Tribune*, July 31, 1905.

¹⁸ "Excelsior Block Destroyed by Fire, Phone Girl Heroine," *Minneapolis Morning Tribune*, October 28, 1916; "Excelsior, Minn. Has Bad Fire," *Duluth Herald*, October 27, 1916.

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markets, two drug stores, two blacksmith shops, three dry goods stores, two barber shops, two hardware stores, three shoe stores, one feed store, two lumber and fuel yards, one livery barn, two harness shops, two complete telephone systems, a gas lighting plant, a partial water system, the Western Union Telegraph Company, the United States Express Company, two newspapers, and two real estate offices.¹⁹

By the early 1910s, Excelsior had largely recovered from the 1895 fire and its bustling commercial center had cemented the town as “the metropolis of the Lake Minnetonka region.”²⁰

Moving Transportation Forward

After the Panic of 1893, Excelsior’s tourism industry began to change. The economic depression that followed the Panic prevented people—especially wealthy southerners who had visited Lake Minnetonka in droves—from taking expensive cross-country vacations. The local tourism industry sought out potential tourists closer to home, especially day-trippers from Minneapolis. Thomas Lowry, owner of the Twin Cities Rapid Transit Company (TCRTC), believed that a new streetcar line between Minneapolis and Excelsior could reignite the area’s tourist industry with a great potential for profit.²¹

Lowry’s streetcar line opened in 1906, and was operated by the Minneapolis and Saint Paul Suburban Railway Company, a subsidiary of the TCRTC. The streetcar ran between Lake Harriet in Minneapolis and Lake Minnetonka in Excelsior. The tracks generally followed the Minneapolis, Lyndale and Minnetonka Railway right-of-way, but with modifications to reduce curves and provide a smoother ride at high speeds. Thousands of lake residents, city residents, vacationers, and day-trippers took the forty-six-minute trip between Minneapolis and Excelsior when the line opened.²²

In 1907, the streetcar line was expanded to a double track and the route was lit by overhead arc lights, earning it the moniker “The Great White Way.” The completed streetcar line approached Excelsior from the east along the lakeshore, ran down Water Street, and then continued west to Tonka Bay. The TCRTC expanded its public transit offerings with three steamboat routes on Lake Minnetonka that served commuting residents, traveling tourists, and visitors seeking a leisurely boat cruise. A fleet of six “streetcar boats” expanded the streetcar network to twenty-seven docks across Lake Minnetonka.²³

The new streetcar attracted residents to Excelsior and boosted the city’s tourism numbers. An article in the *Minneapolis Journal* noted that “[Excelsior’s] growth is remarkable, and since the census of 1900, the records have shown an increase of several hundred in its population.” The downtown commercial center was a significant draw for visitors and locals alike. Excelsior Bay on Lake Minnetonka was “the liveliest and most frequented of all bays during the summer season, for Excelsior is the shopping center.”²⁴

¹⁹ *Picturesque Lake Minnetonka: Official Souvenir, Story and Guide to the Queen of All Inland Lakes* (Minneapolis: S. E. Ellis, 1906), 12.

²⁰ “Lake Minnetonka – Garden Spot of Summer Resorts,” *Minneapolis Sunday Tribune*, June 12, 1910.

²¹ “Picturing Lake Minnetonka,” *Minnesota History* 57 (Summer 2001): 296-304.

²² Meyer, *Happenings Around Excelsior*, 58, 63, 73, 76; “Picturing Lake Minnetonka,” 296-304.

²³ Meyer, *Happenings Around Excelsior*, 58, 63, 73, 76; “Picturing Lake Minnetonka,” 296-304; John W. Diers and Aaron Isaacs, *Twin Cities by Trolley* (Minneapolis: University of Minnesota Press, 2007), 76-81.

²⁴ “Excelsior; Metropolis of Minnetonka,” *Minneapolis Journal*, May 27, 1906.

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Entertaining and Expanding Excelsior

The 1910s and 1920s brought modern changes to Excelsior through new entertainment venues, new buildings, and new modes of transportation. Several lakefront amenities and large resorts from the nineteenth century were demolished, and in response, several new theaters were constructed in hopes of attracting more local and regional visitors. The Excelsior Theater (223 Water Street) opened in 1912 and was the town's first movie theater and local singers would perform while the film reels were changed. The Excelsior Casino, which was on Lake Minnetonka just west of Water Street, opened a vaudeville theater in 1913 to join its bowling alley, billiard parlor, and ballroom. The Happy Hour Theater (217 Water Street) opened in 1914 and showed silent films. The theater could seat 300 guests and promoted its comfortable "opera chairs." It was renamed the Lake Theater in 1929 and began showing "talkies" later that year. As part of the theater's rebranding, the original ornate facade was removed and replaced with a simple storefront.²⁵

Further east down the lakeshore, the Excelsior Amusement Park opened in 1925 and drew thousands of visitors to town. The park was designed and owned by Fred W. Pearce, who wanted to bring an amusement park to Excelsior after seeing how successful they were on the East Coast. The Excelsior Amusement Park had a roller coaster, a carousel, aerial swings, a Ferris wheel, bumper cars, a miniature railroad, and several other attractions designed to draw families with children. Special free events, performances from acrobats, and other spectacles through the 1930s also enticed people to visit. The park had a broad impact on the town's economy as visitors shopped at downtown businesses, used local transit, and stayed in area hotels.²⁶

New construction for everyday shops also continued during this period. A new two-story commercial block opened at 278 Water Street in 1912. The first floor was occupied by blacksmith Charles B. Ice after his previous shop burned. A one-story commercial building at 260 Water Street opened the same year. The west side of Water Street was dramatically changed in 1915 when two new one-story buildings were constructed at 264-266, and 270-274 Water Street. Charles Miller designed the properties to visually blend by using the same materials and architectural details. The storefronts initially held the offices of the *Minnetonka Record* and a lending library. A new building at 402-406 Second Street was erected in 1920, and the Smith and Company Store at 211-213 Water Street opened that same year. A new lodge for the Free Masons was constructed in 1926 at 249 Water Street. The Masons established a lodge in Excelsior in 1875, but previously leased meeting space in commercial buildings and boarding houses throughout town. The new lodge provided space for the Masons and their women's auxiliary organization, the Order of the Eastern Star, and gave the organization a permanent home downtown near the businesses they worked with. C. E. Carlson designed the building using a concrete structure and brick facades. It stood two stories tall above a raised basement and towered over the one-story buildings to the north and south. The building's size and Georgian Revival details, including a large stone shield above the entrance, made it an architectural anchor on Water Street.²⁷

The rising popularity of automobiles in the early twentieth century required new sales and service business,

²⁵ *Walking the Trails*, 28-31, 41-42; Knowlton, *Movies Come to Excelsior*, 2-17.

²⁶ *Walking the Trails*, 37; Bob Bolles, Port of Excelsior Blue Line Ticket Booth Historic Designation Application, 2017, at the City of Excelsior.

²⁷ "278 Water Street," Architecture/History Inventory Form No. HE-EXC-371, Minnesota State Historic Preservation Office, Saint Paul; "260 Water Street," Architecture/History Inventory Form No. HE-EXC-368, Minnesota State Historic Preservation Office, Saint Paul; "264 Water Street," Architecture/History Inventory Form No. HE-EXC-370, Minnesota State Historic Preservation Office, Saint Paul; "270 Water Street," Architecture/History Inventory Form No. HE-EXC-390, Minnesota State Historic Preservation Office, Saint Paul; Meyer, *Happenings Around Excelsior*, 90.

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several of which opened downtown in the 1910s and 1920s. Private auto ownership nationwide had grown from approximately 8,000 autos in 1900, to 458,000 vehicles in 1910, and over 8 million in 1920. The Phillips Garage opened at 420 Second Street in 1915 to serve auto owners. The building was an engineering marvel of its time. It was the first reinforced concrete structure in town and also had Excelsior's first hydraulic lift and electric door opener. New auto dealerships, gas stations, and a licensed taxi service also opened during the 1920s. Among these was the new dealership and service station for the Wistrand Motor Company, which was built at 421 Third Street in 1922.²⁸

The dominance of automobiles spelled the end for Excelsior's streetcar line. The downtown ticket office closed in 1928, and streetcar service ended on August 11, 1932. The Twin City Motor Bus Company took over Excelsior's public transit. The demand for auto-friendly roads led to highway construction and improvement throughout the state during the 1930s, which made car travel much faster and smoother. In 1934, Trunk Highway 12 (now TH 7) opened south of downtown. Papers praised the new road for cutting the travel time between Minneapolis and Excelsior to twenty minutes. The village council transferred title for the abandoned streetcar tracks to the Metal Reserve Corporation. The rails were removed in June 1942 by the Works Progress Administration before the street was repaved and the steel was contributed to the war effort.²⁹

A Modern Era

The Great Depression and World War II were difficult for Excelsior, and downtown businesses felt the pressure of a struggling economy. The Hotel La Paul/Excelsior Bay Hotel, one of the few remaining tourist hotels, was demolished in 1929. The hotel's site sat empty until 1940, when the new Tonka Theater opened at 26 Water Street. The Happy Hour Theater closed that year and a clothing shop moved into the building in 1945. The shop renovated the facade and installed a modern storefront. In January 1945, the Tonka Theater suffered a major fire. Rebuilding was delayed because of wartime restrictions, but the theater reopened later that year after the war production board approved the project. The new theater was designed by noted Minneapolis architects Liebenberg and Kaplan. Their design drew on Art Moderne style with a curved, fluted facade above the marquee.³⁰

After World War II ended, Excelsior and the greater Twin Cities metropolitan area underwent a major building boom. Years of material shortages and building restrictions increased demand for new construction, and new federal programs for housing, highways, and urban development were started to meet these needs. Excelsior experienced increased suburbanization during this period as part of a larger trend toward urban sprawl. Many new buildings were constructed on the edge of the city, but downtown also saw new construction on the blocks of Water Street between Lake and Second Streets. In addition to the redevelopment of the Hotel La Paul/Excelsior Bay Hotel site, the White House was razed in 1946. The former hotel had sat on a small hill at the southeast corner of Lake and Water Streets. After it was demolished, the hill was flattened and the north half of the block was regraded, paving the way for new commercial construction. Three new properties were constructed on the site, including a two-story commercial building at 31-33 Water Street in 1950. The Minnetonka State Bank and an early general store remained at the northeast corner of Water and Second Streets.³¹

²⁸ John A. Jackle, *The Tourist: Travel in Twentieth-Century North America* (Lincoln, Nebr.: University of Nebraska Press, 1985), 169.

²⁹ Meyer, *Happenings Around Excelsior*, 111-112.

³⁰ Meyer, *Happenings Around Excelsior*, 108-112.

³¹ Pearson, "Excelsior Downtown Historic District Designation Study"; "Excelsior 'White House' Falls in Blaze of Memories," *Minneapolis Star Tribune*, May 7, 1946.

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Arguably the most prominent addition to the north block of Water Street was the new Tonka Ford, an auto sales and service building, which opened in 1945. Like the Tonka Theater, Tonka Ford was designed in the Art Moderne style. The building's curved corner and large modern storefronts cemented the architectural change from the nineteenth- and early twentieth-century buildings between Second and Third Streets to the modern construction to the north. L. R. Laramie purchased the building from Tonka Motors in 1949, and constructed a service area at the corner of Lake and Water Streets in 1949. The car dealership also moved up the block to 10 Water Street when a new building was constructed in 1957 (razed). The 1945 Tonka Ford building was converted to retail at that time.³²

Fires continued to plague downtown buildings into the 1940s. The Beers Block at 205 Water Street, which housed Red Owl Foods, burned on February 7, 1941, and was subsequently rebuilt. The new building also leaned into modern aesthetics with a large band of modern storefront windows and brightly colored, glazed-brick cladding. Red Owl Foods moved out of the building in 1955, and Victor "Bac" Bacon opened Bacon Drugs, a pharmacy and soda fountain later that year.³³

Several new, small commercial buildings were erected on the edges of downtown, primarily for professional offices. This wave of small-scale commercial construction also extended along Second and Lake Streets, east of Water Street. The buildings were primarily one-story brick office or commercial blocks. On Water Street, the only new building was a barber shop at 243 Water Street. The building was designed by H. B. Elliot for Tony Zembryicki, who strategically located his new barber shop next to the Masonic Lodge.³⁴

Urban Renewal

Changing retail and transportation patterns in the early 1950s, drew customers out of downtown and threatened the viability of the commercial core. Limited parking was often cited as the reason shoppers did not want to visit downtown. Many downtown visitors were disenchanted by the "obsolete and deteriorating buildings, too narrow streets, and nonconforming zoning uses." Downtown stores also had new competition. A new shopping center with ample parking was constructed less than two miles from Excelsior, and the novel attraction drew consumers in droves.³⁵

In an attempt at revitalization, Excelsior celebrated its seventy-fifth anniversary in 1952 by dedicating a new train depot and installing a new streetlighting system downtown. Many residents and the village council felt that more intensive modernization efforts were needed, leading Excelsior to enact a series of redevelopment projects. The village council was authorized in 1955 to acquire property and sell bonds, and it used that power to purchase land

³² "L.R. Laramie Buys Tonka Ford Agency," 34-50 Water Street clipping file, Excelsior-Lake Minnetonka Historical Society; "Tonka Toggery," n.p., August 2, 1962, 34-50 Water Street clipping file, Excelsior-Lake Minnetonka Historical Society.

³³ Meyer, *Happenings Around Excelsior*, 108-110; Knowlton, *Movies Come to Excelsior*, 18.

³⁴ *Fire Insurance Map of Minneapolis, Minnesota, Volume 6* (New York: Sanborn Fire Insurance Company, 1931), sheet 703; *Fire Insurance Map of Minneapolis, Minnesota, Volume 6* (New York, Sanborn Fire Insurance Company, 1952), sheet 703; "Tony's Barber Shop" Architecture/History Inventory Form No. HE-EXC-364, Minnesota State Historic Preservation Office, Saint Paul.

³⁵ "Spur to Development? Excelsior Apartment Project Begins," *Minneapolis Star*, October 26, 1965; *Biennial Report of the Commissioner of Highways from July 1, 1952-June 30, 1954* (Saint Paul: Minnesota Department of Highways, 1954), 35; "Suburb May Let a Street Go to Seed," *Minneapolis Star Tribune*, January 23, 1955; "Excelsior Jubilee Brings Triple Cause for Festivity," *Minneapolis Star*, July 25, 1952; "Loan Application OK'd; Excelsior Moving on Urban Renewal," *Minneapolis Star*, July 4, 1967.

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downtown to create surface parking lots. When the new parking areas opened in 1956, Excelsior celebrated by throwing a Progress Party. The new lots, which were behind the commercial buildings on Water Street, could accommodate 1,500 cars and became a focal point in advertisements for downtown businesses. Anticipating that most visitors would park in these lots, the city encouraged businesses to renovate the back sides of their buildings and move primary public entrances to historically rear facades.³⁶

The types of shops downtown changed during this period. As daily-use businesses such as grocery stores and hardware stores moved to shopping centers, specialty stores that faced less competition from the malls moved downtown. New restaurants, antique stores, clothing boutiques, gift shops, art galleries, and offices moved into the historic storefronts. The change in use required little alterations to the buildings, but many shops elected to replace storefront windows with new, modern units. Several of the houses on the edges of downtown were renovated to commercial or office buildings. A new office building was also constructed on Water Street north of Tonka Ford. Unlike the other mid-century buildings on this block, the Hennessy Building at 28-30 Water Street drew its architectural inspiration from the early-twentieth-century commercial blocks between Second and Third Streets. When the building opened in 1958, it was home to a travel agency and a medical office. In the mid-1960s another new building at 400 Second Street followed suit and designed a new building in an older style.³⁷

Revitalization projects continued through the 1960s and into the 1970s, and many shop owners renovated their storefronts in the hopes of attracting new customers with a modern look. In 1972, the new owners of the Tonka Theater rebranded it with a nautical theme and added a second screen, which opened for showings in 1975. A third screen was added in 1989. In 1975, Driskill's Super Valu moved out of the Sampson Building (200-206 Water Street) to the Shorewood Village Shopping Center. The new tenant, Hance Hardware, completed a significant remodeling project in 1979 that installed new wood cladding over the north and east facades.³⁸

During the 2000s, several renovation projects downtown removed most of the non-historic fabric added during the 1970s. In 2005, the Sampson Building underwent a substantial rehabilitation project to expose the historic brick facades and restore the building to its historic appearance. In 2013, Red Owl Foods/Bacon Drug at 205-207 Water Street building was rehabilitated as a restaurant and non-historic siding installed in 1993 was stripped away. These rehabilitation projects improved the integrity of the 200 block of Water Street and it clearly communicates its development as a late-nineteenth and early-twentieth-century commercial core. The north block of Water Street saw fewer changes during the 1970s-2000s, and conveys the city's mid-century commercial revitalization.³⁹

³⁶ "'New Look' Job Planned at Excelsior," *Minneapolis Star*, June 17, 1955; "Excelsior Buys Land for Redevelopment," *Minneapolis Star*, June 24, 1955; "In Downtown Excelsior," *Minneapolis Star*, October 31, 1967; "Excelsior Switch to Put Back Doors in Front," *Minneapolis Star*, January 18, 1956.

³⁷ Handwritten notes dated 1978, 216 Water Street clipping file, Excelsior-Lake Minnetonka Historical Society; Advertising flyer, 218-226 Water Street clipping file, Excelsior-Lake Minnetonka Historical Society; , "On the Ave-News," n.p., November 28, 1973, 228 Water Street clipping file, Excelsior-Lake Minnetonka Historical Society; "His Life Has Been Antiques," *Maverick*, December 24, 1975, 229-231 Water Street clipping file, Excelsior-Lake Minnetonka Historical Society; "TCF Building Sold," n.p., October 3, 1973, Archive file-28 Water Street, Excelsior-Lake Minnetonka Historical Society.

³⁸ Phyllis Pope, "'The Dock' Now Has Three Screens," *Weekly News*, October 12, 1989; "Driskill's Super Valu," n.p. February 27, 1975, 201-208 Water Street clipping file, Excelsior-Lake Minnetonka Historical Society.

³⁹ "Red Owl Foods/Bacon Drug" Architecture/History Inventory Form No. HE-EXC-351, Minnesota State Historic Preservation Office, Saint Paul; "Sampson Building" Architecture/History Inventory Form No. HE-EXC-352, Minnesota State Historic Preservation Office, Saint Paul.

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Analysis of Significance

The Excelsior Commercial Historic District exemplifies the city's vibrant commercial development, beginning with its origins as a tourist town for Lake Minnetonka vacationers and continuing through its redevelopment as a suburb of Minneapolis in the mid-twentieth century. The majority of the buildings in the historic district were constructed between 1886 and 1920 during Excelsior's tenure as the premier commercial center on Lake Minnetonka. Tourism was the center of the town's economy, and the buildings in the historic district were constructed for businesses that served tourists and residents. After the tourism industry declined, new auto-service and entertainment businesses replaced earlier hotels at the north end of downtown. The age range in the buildings highlights the long history of downtown as the commercial core of Excelsior. The district is eligible for listing in the National Register under Criterion A in the area of Commerce. Its period of significance begins in 1886 with the construction of the earliest extant building in the district and ends in 1955 when the downtown had been fully developed.

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City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0001
North block of Water Street, looking south.

Photo 2 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0002
Tonka Theater (contributing), 26 Water Street, looking southwest.

Photo 3 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0003
Hennessy Building (contributing), 28-30 Water Street, looking west.

Photo 4 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0004
Tonka Ford (contributing), 34 Water Street, looking northwest.

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Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0005
Commercial Building (contributing), 31-33 Water Street, looking northeast.

Photo 6 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0006
Nygren's Clothing Store (non-contributing), 35 Water Street, looking northeast.

Photo 7 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0007
Second Street, looking east.

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Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0008
Tonka Ford (contributing), 34-50 Water Street, looking northeast.

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County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0009
Second Street, looking west.

Photo 10 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0010
Phillips Garage (contributing), 420 Second Street, looking south.

Photo 11 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0011
Stemmer Company (contributing), 402-404 Second Street, looking south.

Photo 12 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0012
Commercial Building (contributing), 400 Second Street, looking west.

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County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0013
Minnetonka State Bank (contributing), 409 Second Street, looking northwest.

Photo 14 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0014
Water Street, looking south.

Photo 15 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0015
Sampson Building (contributing), 200-206 Water Street, looking southwest.

Photo 16 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0016
Wheeler Building (contributing), 212 Water Street, looking west.

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County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0017
Wheeler Building (contributing), 216 Water Street, looking west.

Photo 18 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0018
Apgar Building (contributing), 218-226 Water Street, looking west.

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Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0019
Apgar Real Estate Office (contributing), 228 Water Street, looking west.

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Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0020
Miller Block (contributing), 232-234 Water Street, looking west.

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State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0021
Commercial Building (contributing), 240 Water Street, looking northeast.

Photo 22 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_v0022
Miller's Excelo Bakery (contributing), 244 Water Street, looking southeast.

Photo 23 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0023
IOOF Temple/Morse Dry Goods (contributing), 250-252 Water Street, looking southwest.

Photo 24 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0024
Commercial Building (contributing), 254-256 Water Street, looking southeast.

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County: Hennepin County
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Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0025
Commercial Building (contributing), 260 Water Street, looking west.

Photo 26 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0026
Commercial Building (contributing), 264 Water Street, looking northeast.

Photo 27 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0027
Commercial Building (contributing), 270-274 Water Street, looking northeast.

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Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0028
Commercial Building (contributing), 276-278 Water Street, looking southeast.

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Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0029
Water Street, looking north.

Photo 30 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0030
Tonka Printing (non-contributing), 287 Water Street, looking northeast.

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Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0031
Commercial Building (contributing), 261 Water Street, looking east.

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Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0032
Commercial Building (non-contributing), 251 Water Street, looking east.

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City or Vicinity: Excelsior
County: Hennepin County
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Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0033
Excelsior Masonic Temple (contributing), 249 Water Street, looking southeast.

Photo 34 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0034
Tony's Barber Shop (contributing), 243 Water Street, looking east.

Photo 35 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0035
J. D. Jamieson Grocery (contributing), 239 Water Street, looking east.

Photo 36 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0036
Fred Hawkins Building (contributing), 235-237 Water Street, looking east.

United States Department of the Interior
National Park Service**National Register of Historic Places**
Continuation Sheet

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)

Index to Photographs Page 10**Photo 37 of 43**

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0037
Welter Building (contributing), 229-231 Water Street, looking east.

Photo 38 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0038
August Hay Meat Market (contributing, left), 219 Water Street, and Bullens General Store (contributing, right), 223-227 Water Street, looking east.

Photo 39 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0039
The Happy Hour (non-contributing), 217 Water Street, looking east.

Photo 40 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0040
Smith and Company Store (contributing), 211-213 Water Street, looking east.

United States Department of the Interior
National Park Service**National Register of Historic Places**
Continuation Sheet

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)

Index to Photographs Page 11**Photo 41 of 43**

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0041
Red Owl Foods/Bacon Drug (contributing), 205-207 Water Street, looking southeast.

Photo 42 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0042
Third Street, looking west.

Photo 43 of 43

Name of Property: Excelsior Commercial Historic District
City or Vicinity: Excelsior
County: Hennepin County
State: Minnesota
Name of Photographer: Rachel Peterson
Date of Photograph: July 2020

MN_Hennepin County_Excelsior Commercial Historic District_0043
Wistrand Motor Company (contributing), 421 Third Street, looking northeast.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Additional Documentation Page 1

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)



District Location Map

UTM Coordinates

1. Zone: 15

Easting: 455306.89

Northing: 4972473.52

2. Zone: 15

Easting: 455346.31

Northing: 4972400.79

3. Zone: 15

Easting: 455258.55

Northing: 4972208.27

4. Zone: 15

Easting: 455168.15

Northing: 4972297.27

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)

Additional Documentation Page 2



District Location Map

UTM Coordinates

1. Zone: 15

Easting: 455306.89

Northing: 4972473.52

2. Zone: 15

Easting: 455346.31

Northing: 4972400.79

3. Zone: 15

Easting: 455258.55

Northing: 4972208.27

4. Zone: 15

Easting: 455168.15

Northing: 4972297.27

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)

Additional Documentation Page 3



Historic District Boundary

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Photo Keys Page 1

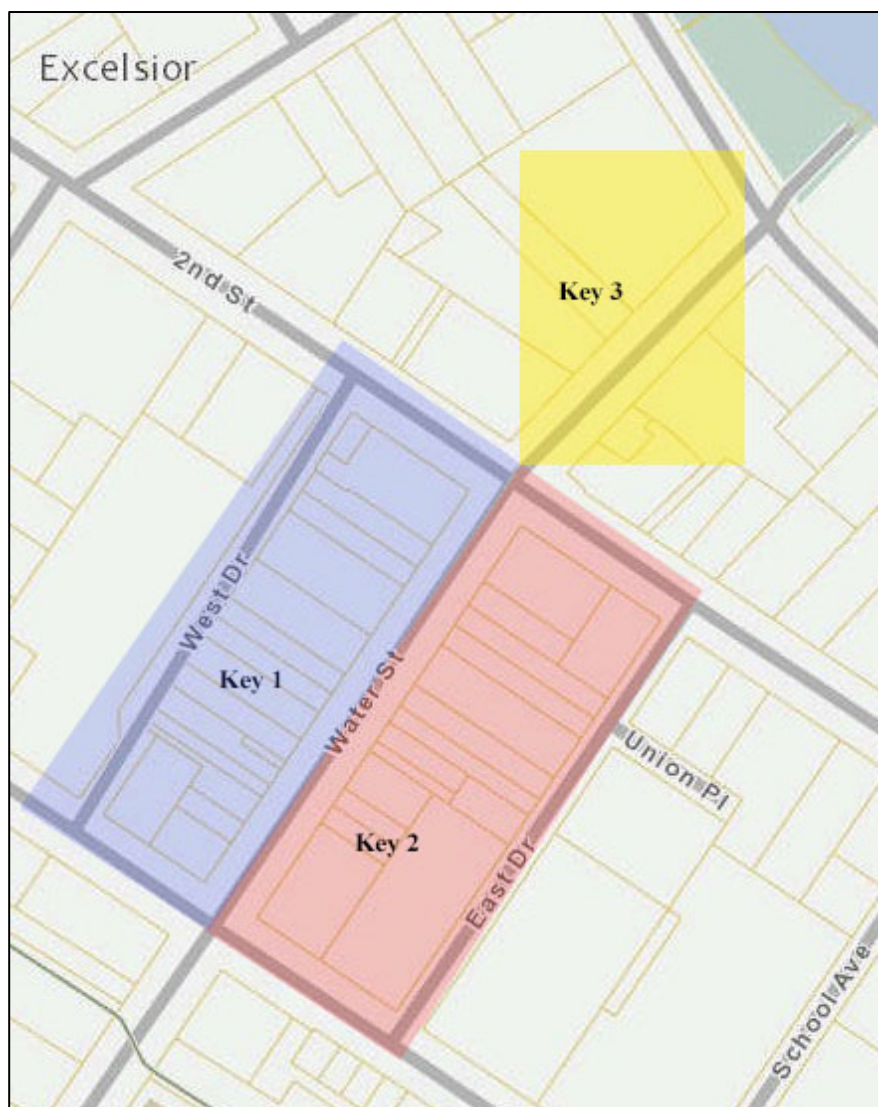
Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)



Key to Photo Keys

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)

Photo Keys Page 2

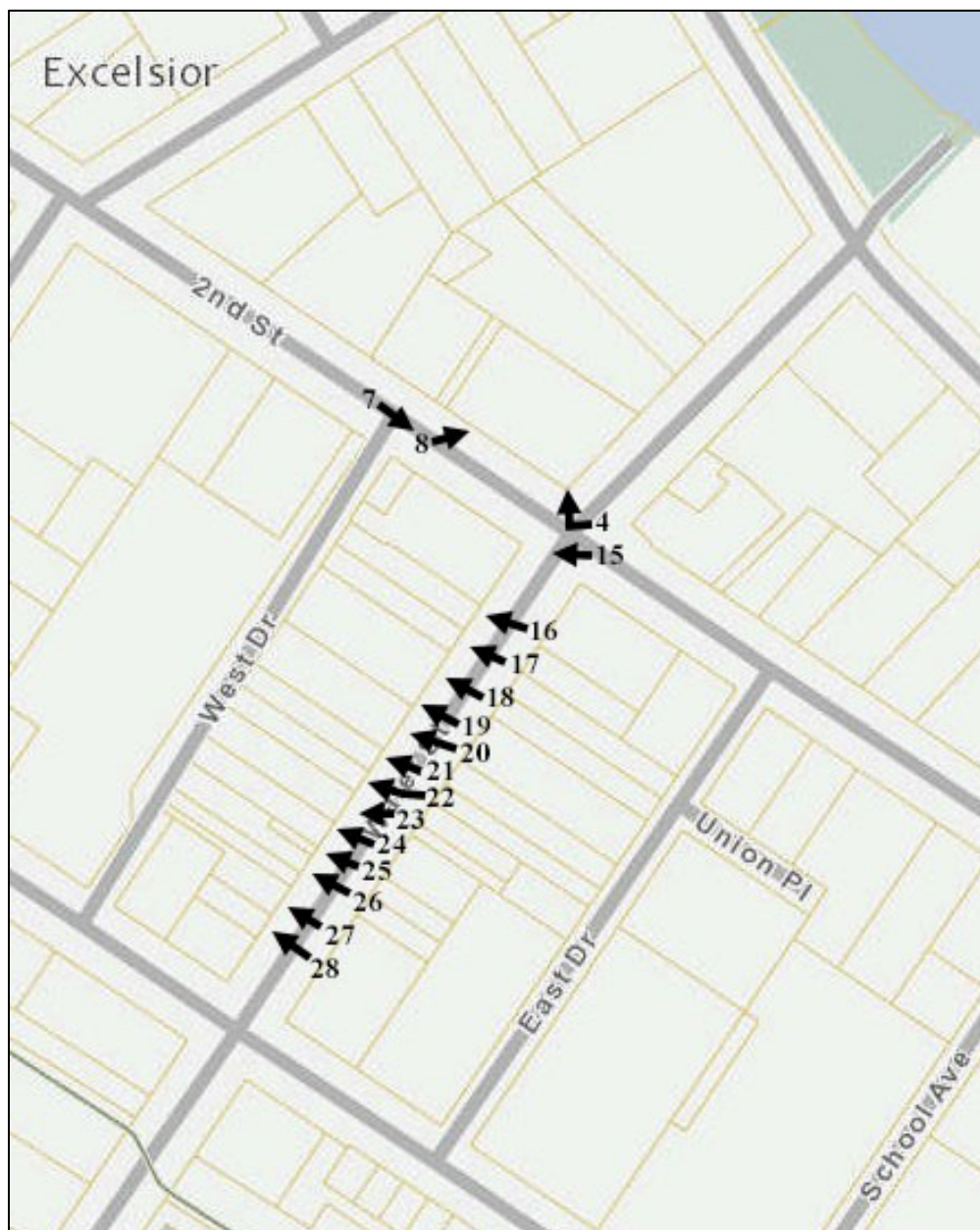


Photo Key 1

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)

Photo Keys Page 3

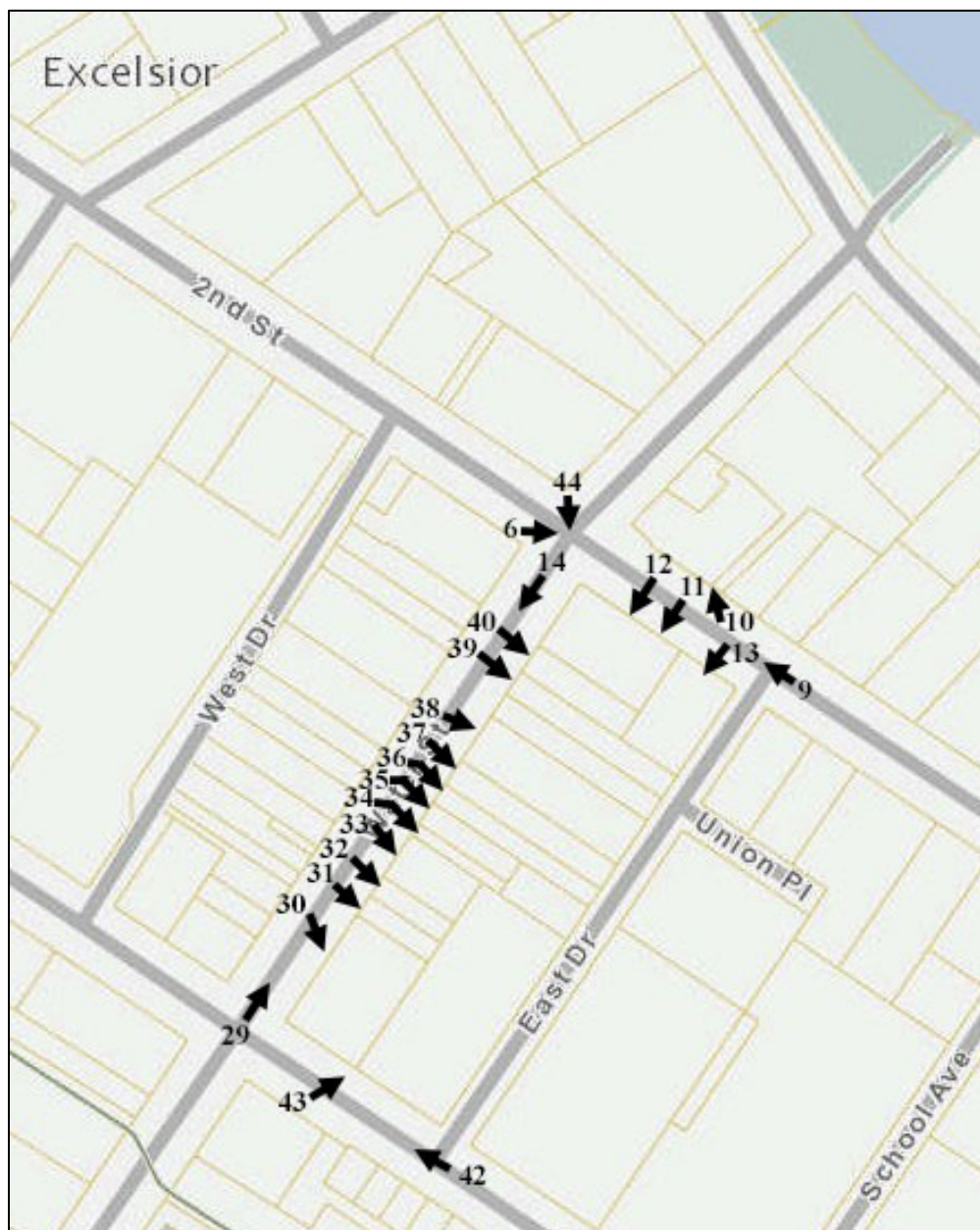


Photo Key 2

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)

Photo Keys Page 4

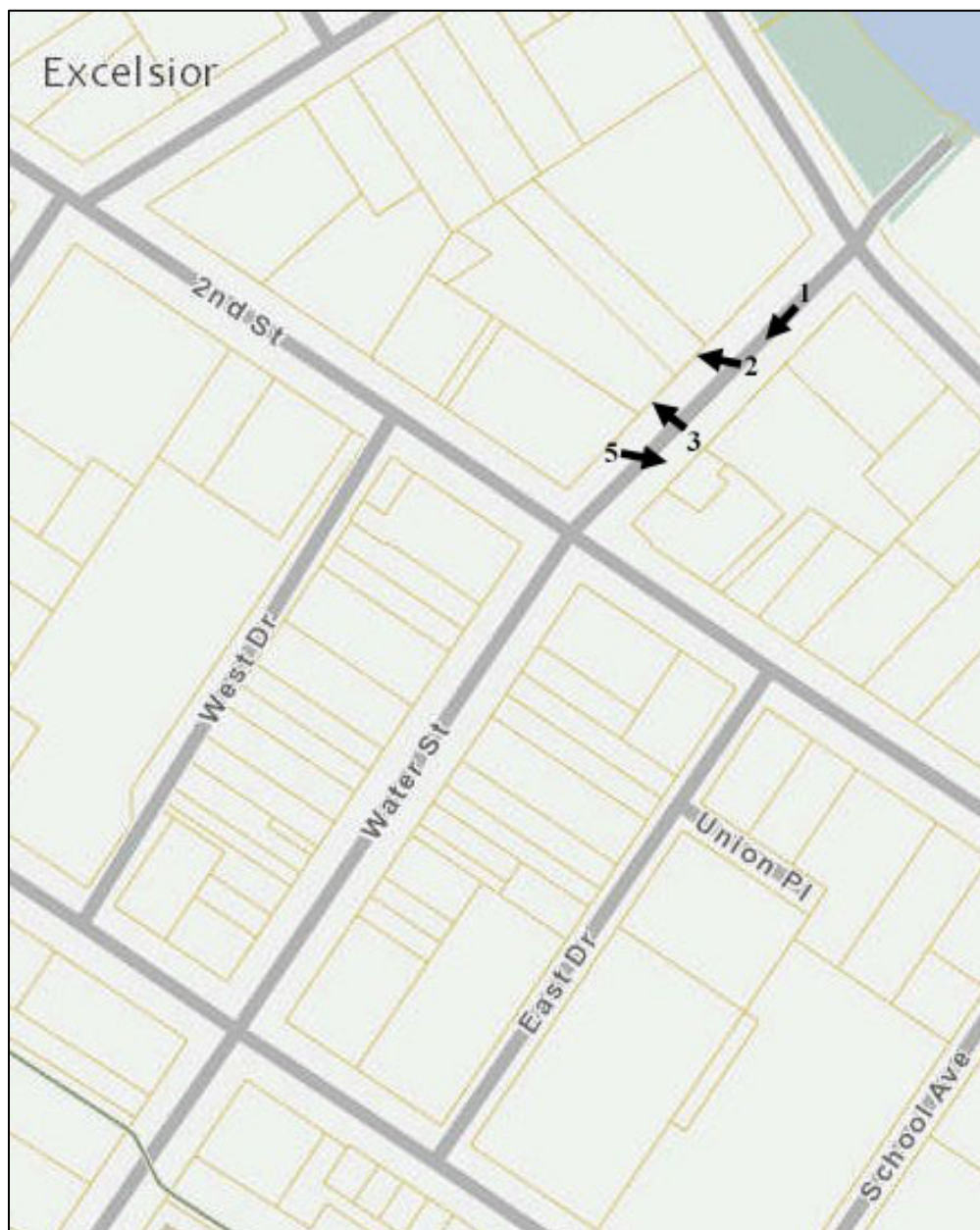


Photo Key 3

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Historic Photos Page 1

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)

INDEX TO FIGURES

Figure 1: Water Street, c. 1911, Excelsior-Lake Minnetonka Historical Society

Figure 2: Water Street, 1919, Excelsior-Lake Minnetonka Historical Society

Figure 3: Water Street, 1937, Excelsior-Lake Minnetonka Historical Society

Figure 4: Water Street, 1943, Excelsior-Lake Minnetonka Historical Society

Figure 5: Water Street, 1959, Excelsior-Lake Minnetonka Historical Society

Figure 6: Water Street, 1967, Excelsior-Lake Minnetonka Historical Society

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Historic Photos Page 2

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)



Figure 1.



Figure 2.

United States Department of the Interior
National Park Service

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Continuation Sheet

Historic Photos Page 3

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)



Figure 3.



Figure 4.

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Historic Photos Page 4

Excelsior Commercial Historic District

Name of Property

Hennepin County, Minnesota

County and State

Name of multiple listing (if applicable)



Figure 5.

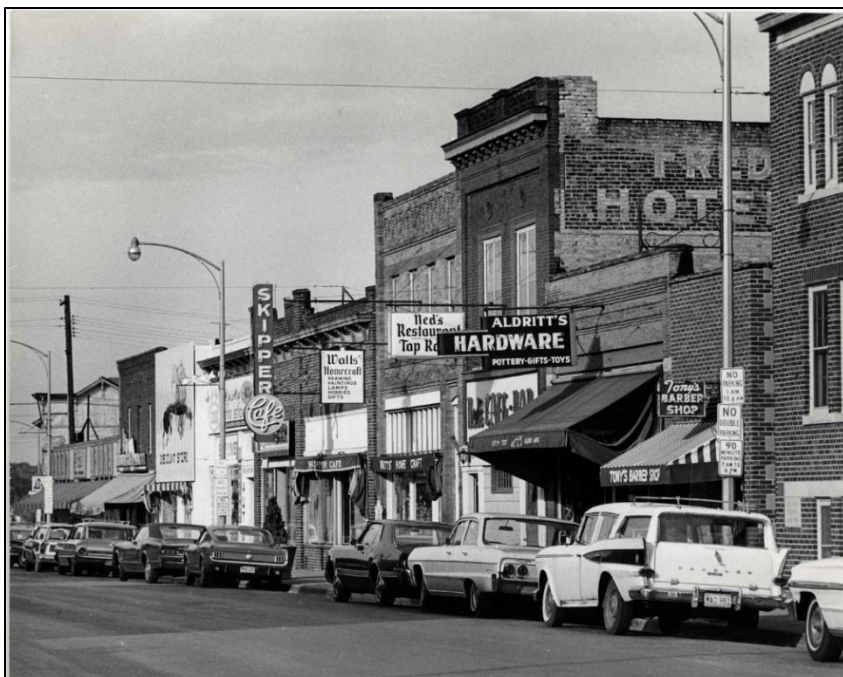
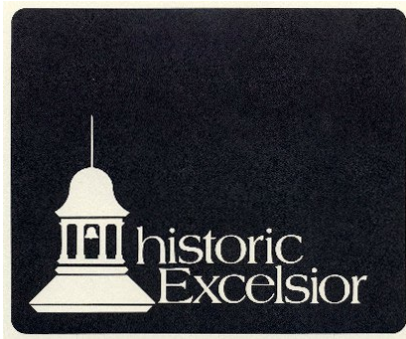


Figure 6.



City of Excelsior

339 Third Street, Excelsior, MN 55331

Telephone: 952-474-5233 Email:

APPLICATION FOR A SITE ALTERATION PERMIT

Applicant's Name: _____

Address: _____

Telephone: _____

Authority to file application:

- ☐ Ownership
☐ Tenant
☐ Other _____

If not Owner, Owner's Name: _____

Address: _____

Telephone: _____

Project Address: _____

Do you have an architect/engineer or other designer for this project?

- ☐ Yes
☐ No

Name: _____

Address: _____

Attach the following materials for all applications:

- ☐ A current photograph of the exterior sides of the building (or site) where work will take place.
☐ A scaled elevation drawing of the sides of the building illustrating the work to be performed.
☐ A scaled site plan (for any site changes).

- ☐ A short narrative of the work to be done and how the work relates to the building's architecture.
- ☐ Identification of all exterior building materials and colors, including materials samples and paint chips of proposed colors.

Note: An application will not be deemed complete until all of the items above have been submitted to the City.

Narrative Description of Proposed Site Alterations: (Include any changes to masonry walls or foundations, siding or paint, roofs or chimneys, doors or windows, porches or steps, awnings or shutters, fences or retaining walls, landscaping or lighting).

Enforcement Acknowledgement: By signing below, the applicant acknowledges that in case any building or structure subject to the regulation of this ordinance is to be erected or constructed, reconstructed, altered, repaired, maintained, moved, or subjected to demolition in violation of the city's heritage preservation ordinance (chapter 20 of the Excelsior City Code), the zoning administrator or building official, in addition to any other remedies, may (as is outlined in Excelsior City Code § 20-17):

- (1) Institute civil action for injunctive relief to stop, prevent, or abate a violation of this chapter.
- (2) Issue a stop work order to prevent a continuing violation of this chapter.
- (3) Issue a one-year moratorium on all building permits for the subject property for alterations to a historic resource without an approved site alteration permit.
- (4) For removal or total or partial demolition of a historic resource without an approved site alteration permit, the zoning administrator may also:
 - a. Issue a five-year moratorium on all building permits for the structure and for the property, other than as may be required to comply with applicable health and safety requirements and regulations, and in no event shall any permit authorize the new construction to exceed the building square footage, height and lot coverage of the original structure; or
 - b. Issue a fee of 50 percent of the assessed value of the land and structure prior to demolition and replacement structure is not to exceed the footprint of the building that was demolished.

The applicant further acknowledges that any work which proceeds in violation of this chapter, in contravention of a stop work order, or in disregard of a court ordered injunction shall be a public nuisance and enforced pursuant to section 16-37 of the City Code and that a person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this chapter may be ordered by the court to pay the cost to restore or replicate a resource unlawfully constructed, altered, repaired, converted, moved, or subjected to demolition.

If you need additional space, please include additional sheets.

[illegible]

I hereby certify that the above information, the checklist below and all accompanying documents and information are true and accurate to the best of my knowledge.

R. Matt Mithun

Applicant's signature

Date

Site Alteration Permit Checklist Overview

The Excelsior Heritage Preservation Commission (HPC) reviews land use activities that may affect Excelsior's historical and architectural attributes and has prepared a checklist to assist you in applying for a Site Alteration Permit. In addition to the general materials listed on page 1, applicants should refer to the checklist below for additional requirements applicable to particular types of projects. A summary of HPC Guidelines are also available at Excelsior City Hall.

Please be thorough in completing the checklist. The decision of the HPC will be based on the completed checklist and other materials you submit. Any unidentified alterations not shown on the checklist or application materials will need to be discussed with staff and possibly returned to the HPC for further review. Work completed without the HPC's approval is in violation of the City Code and may be subject to fines or penalties. The Excelsior City Staff is available to answer questions regarding the application and checklist. You may contact them at 952-474-5233.

HERITAGE PRESERVATION COMMISSION

Site Alteration Permit Checklist

NATURE OF SITE ALTERATION (check all that apply):

- ☐ SIGNAGE (Complete Section 1 below)
- ☐ CHANGES IN MATERIAL OR ADDITIONS (Complete Section 2 below)
- ☐ NEW CONSTRUCTION (Complete Section 3 below)
- ☐ DEMOLITION (Complete Section 4 below)
- ☐ RELOCATION OF STRUCTURE (Complete Section 5 below)
- ☐ LANDSCAPE OR PARKING ALTERATIONS (Complete Section 6 below)

1. SIGNS AND AWNINGS:

- ☐ Dimensional elevation drawn to scale identifying materials, colors, and lettering style. Include height, width and depth.
- ☐ Description of any proposed lighting.
- ☐ Description of location.

For a wall sign, show how and where it will be attached. For free-standing sign, show height measured from the existing and proposed grade and site plan with sign location and dimensions from property lines and dimensions from structures on lot.

2. CHANGES IN MATERIAL AND ADDITIONS:

- ☐ Scaled elevation drawing indicating proposed alterations. Minimum scale $1/4" = 1'0"$.
Color scale rendering is required for major alterations (those requiring City Design Standards approval). Include door and window design when proposed to be altered. Manufacturer's catalog data must be used, if applicable.
- ☐ Description of all exterior materials and colors.
Include all proposed materials samples and paint chips of proposed colors.
- ☐ Site plan showing dimensions of lot and location and dimensions of existing structures on lot.
Include location and dimensions of all proposed additions.
- ☐ Photographs of existing conditions from all elevations.
Historic photographs should accompany any request to return a structure to an earlier historic appearance.

3. NEW CONSTRUCTION:

- ☐ Scaled elevation drawing showing all sides and dimensions. Minimum scale $1/4" = 1'0"$.
Color scale rendering is required for all new construction. Include door and window design and description of all exterior design elements. Manufacturer's catalog data must be used, if applicable.

- ☐ Elevation drawings to scale showing relationship to height and massing of adjacent structures.
- ☐ Photographs of proposed site and adjoining properties.
- ☐ Site plan including building footprint and all landscape and parking features.
- ☐ Elevation drawings and material and color details for exterior features.
Include roofs, steps, doors, windows, siding, porches, foundations, walls, etc.
- ☐ Scale model may be required for major construction, as determined by the HPC.

4. DEMOLITION:

- ☐ Justification for proposed demolition.
Provide documentation that a building classified as historic is incapable of earning any economic return on its value as appraised by a qualified real estate appraiser. Provide proof that all reasonable alternatives for re- use and restoration have been exhausted.
- ☐ Proposed use of site after demolition.
Include plans and construction schedule for proposed structures and evidence of compatibility with all zoning and comprehensive plan requirements. Plans must demonstrate compatibility with adjacent historic structures or sites.
- ☐ Photographs of all structures to be demolished.

5. RELOCATION OF STRUCTURE:

- ☐ Photograph of existing structure on existing site.
- ☐ Photograph of proposed site and map of location.
- ☐ Reasons for request to move structure.
Information for relocations shall be the same as demolition (for the removal of a structure from a historic site or district) and new construction (for the relocation of a structure to a site within a historic site or district).

6. LANDSCAPE AND PARKING ALTERATIONS:

- ☐ Site plan showing location and layout.
- ☐ Description or depiction of materials, dimensions and design.
Include location and type of vegetation.
- ☐ Photograph of affected areas of site.

Procedure for Review of Site Alteration Permits

The application for a Site Alteration Permit, completed checklist and all supporting information must be received **no later than 21 calendar days** prior to the Heritage Preservation Commission meeting. Incomplete applications will not be reviewed by the Commission. The Heritage Preservation Commission normally meets the fourth Tuesday after the fourth Monday each month. Applicants are strongly encouraged to attend the meeting.

Decisions of the Heritage Preservation Commission may be appealed by filing notice with the City Clerk within 10 business days following the meeting.

The Site Alteration Permit does not relieve the property owner from the responsibility of obtaining any other required permits. Building permits and other permits may be required even if a Site Alteration Permit is not required. For more information, please contact Excelsior City Hall.

NOTICE TO PERSONS COMPLETING THIS FORM

Please be advised that the information requested in this application is sought for the purpose of evaluating your request.

Any information you submit with this application may be made available to various City employees, City officials, members of City boards or commissions, and the public.

You may refuse to provide any of the information requested but that refusal may limit the City's ability to act on your request or result in the denial of that request. If you believe that any information you are providing constitutes private or confidential data under the Minnesota Government Data Practice Act and you want to limit the dissemination of that data, please contact the City Manager prior to submitting that information to discuss whether dissemination of that data may be limited.

Please sign and date below and return with your application as confirmation that you were provided with this Notice.

R. Matt Mithun

11/6/25

Signature

Date

City Staff Use Only:

Downtown Historic District:

- ☐ Contributing
☐ Non-contributing

Designated Historic Site No. _____

Type of Alteration:

- ☐ Major change in materials/addition (subject to Design Standards review)
☐ Minor change in materials/addition (not subject to Design Standards review)
☐ New construction/relocation
☐ Landscape/parking alterations
☐ Demolition/relocation
☐ Signage/awning (Sign permit must also be filed)

Current Zoning: R-1 R-2 R-3 R-4 B-1 B-2 B-3 B-4 B-5 P Other : _____

Application deemed complete on _____ by _____

Heritage Preservation Commission Action:

On _____, the action requested in the foregoing application was:

☐ Approved

Conditions:

☐ Disapproved

Reasons:

City Council Determination on Appeal of HPC Action:

On _____, the City Council took the following action on the appeal:

- ☐ Sustained HPC Action
☐ Overturned HPC Action

City of Excelsior
Julia Mullin, Community Development Director
350 Highway 7
Suite 230
Excelsior, MN

Re: Approval of Site Alteration Permit for the Tonka Theater

Ms. Mullin:

On behalf of Mithun Enterprises, please find attached an application for a Site Alteration Permit (SAP) under Chapter 20 of the Excelsior City Code to authorize partial demolition and rehabilitation of the Tonka Theater structure located at 26 Water Street (the "Theater"). This proposal forms a key component of the broader redevelopment of 10 Water Street, introducing multifamily housing, retail, and restaurant uses on the adjacent parcel while preserving and reinvesting in the historic theater building itself.

Taking into account the feedback received from the Heritage Preservation Commission ("HPC") and in preliminary development plan review before the City Council and Planning Commission, the development team has refined its preliminary proposal to reduce demolition to only 30 percent of the original structure, retaining 70 percent for stabilization and reuse. The revised plan represents the least-intrusive, preservation-compliant path toward a commercially viable reuse of the Theater while maintaining its historic character. The portion proposed for removal is confined to the rear third of the building, which is structurally compromised and lacks character-defining features. By limiting demolition to these noncontributing, unsafe elements, the plan allows the remainder of the structure including its significant historic materials, spatial relationships, and architectural features to be retained and preserved. Retaining that compromised section is neither safe nor financially defensible. This plan is the fullest extent of rehabilitation that remains structurally and economically achievable.

I. History of the Tonka Theater

The Tonka Theater's history began in 1940 as a single-screen movie house. After being destroyed by fire in 1945, it was rebuilt with special approval due to wartime material restrictions, reopening with an art-deco façade. The original "barrel" design with arched ceilings was replaced by the current simpler concrete design. In the 1970s, a second theater was added, followed by a third in 1989. The proposed demolition will remove the 1989 addition, which is not part of the historic designation, along with a limited portion of the original building.

Within the City's submission for preservation, it described the Tonka Theater as a "two story concrete movie theater with a flat roof" with "additions not visible from Water Street." The report

remarks that the “building’s only ornamentation is a curved, fluted panel on the second floor.” These descriptive features will be retained by the plans.

I. Scope and Purpose of Work

Selective demolition will target areas affected by foundation settlement, roof deterioration, and grade differential, as documented in the Structural Condition Assessment (AET, Oct 27, 2025). The primary façade, marquee, and two-story theater volume will be retained, stabilized, and rehabilitated. Interior work will restore the historic theater's use, preserving its civic function. The adjacent parcel will be developed for multifamily, retail, and restaurant spaces designed to complement, not mimic, the historic form. This Project complies with the City Code, including reference to the Secretary of the Interior’s Standards for Rehabilitation, the Preservation Design Manual, and all findings required for alterations within the Historic District.

II. The revised Site Alteration Plans (SAP) meet the definition of a “Partial Demolition” under Section 20-12 of the City Code.

Under the Excelsior City Code “Partial Demolition means:

any act which destroys a portion of a building consisting of not *more than* 30 percent of the floor area of the building, and where the portion of the building to be demolished is not readily visible from the street. Partial demolition also includes the demolition or removal of additions or materials not of the period of significance ... as part of restoring original historic elements of a building and/or restoring a building to its historical mass and appearance.

This proposal fits this definition: it involves demolishing structurally compromised portions of the Theater and removing the 1989 addition, which is outside the period of significance. The demolition will not be visible from Water Street and will maintain the Theater’s historic massing. Accordingly, the partial demolition standards outlined in 20-12 J apply.

III. Consistency with the Secretary of the Interior’s Standards for Rehabilitation

The proposed rehabilitation of the Theater is guided by the Secretary of the Interior’s Standards for Rehabilitation (the “Standards”), ensuring that the property’s historic purpose, character, and integrity are retained and preserved while accommodating contemporary needs. This approach prioritizes the continuum of importance advanced by the Standards- not all features are equal and the SAP protects and repairs significant historic features and materials. The proposed plans limit alternation while integrating life-safety, accessibility, and systems upgrades in a manner that does not diminish the Theater’s defining qualities. The following discussion explains how the scope, methods, and materials proposed meet these Standards by balancing the Theater’s continued viability and public safety with the preservation of its authentic historic fabric and setting.

1. *Use for Historic Purpose:* A historic property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. The Theater will continue to be used for its historic purpose as a community gathering place.

2. *Retention of Historic Character:* The alteration proposed is compatible with and ensures continued significance and integrity of the Theater. Granting the SAP preserves the

essential character of the property by retaining the theater's historic scale, massing, and civic function while addressing structural failures that threaten the building's long-term viability. While this plan proposes alteration, it is necessary to preserve the theater use and create a functional, safe, ADA-compliant space for ongoing attendance. This restores the vibrancy of the site

3. *Authentic Record of Time and Place:* Each historic property shall be recognized as a physical record of its time, place, and use. Demolition should preserve to the extent possible, in this case 70% of the original structure, original materials as a primary document of the history of the building, reflecting the technology, craftsmanship, and cultural values of the time the Theater constructed (technically, rebuilt after the initial fire at the property after initial construction). After further study, it is possible to only demolish 30 percent of the original structure and still correct the structural issues described within the engineer's report. All replacement materials will be consistent with existing materials to the extent possible, as demonstrated on the attached plan set.

4. *Recognition of Significant Changes:* Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved. As described during concept plan review, the portion of the building that is not original and constructed outside of the period of significance will be fully removed. There is no evidence to show that the additions 1980's are significant. The wood paneling along the current façade shall be removed and the Theater restored to the original stucco material as shown in the attached plan set. The former Pizza Hut building that was previously demolished was attached to the Theater. The original Theater exterior was damaged by this adjacent structure, leaving a clear demarcation on the northeast side of the building where the former restaurant stood. To the extent appropriate and possible, the Theater exterior will be refined to mirror the original stucco of the 1940's theater.



5. *Preservation of Distinctive Features:* Distinctive features, finishes, and construction techniques shall be preserved. As previously described, the reconstructed 1945 Theater was crafted as a wartime- concrete block facility. The curved ceiling of the 1940 structure was not rebuilt. The original art deco fluting on the Water Street façade will be retained and preserved.

6. *Repair Rather Than Replacement:* Deteriorated historic features shall be repaired rather than replaced where possible however it is important to note that there has been broad and extensive change to this building over time. Where necessary, new features will match the old in design, color, texture, and material. The original Cinema marquee was removed upon expansion of the Theater in the 1970's. However, the fluted grooves above the original and current sign have remained and will be restored and are consistent with the period's

use of bold geometric shapes. Because the original marquee was destroyed, the historic marquee will be rebuilt and installed as a replica of the original design.

7. *Gentle Treatment Methods*: The surface cleaning of the exterior structure will be undertaken using the “gentlest means possible” as described within the Standards in order to ensure the building is maintained during construction. Rehabilitation will incorporate compatible paint coating systems following proper surface preparation and the building will be repainted with colors that are historically appropriate to the building.

8. *Protection of Archeological Resources*: The Standards require preservation of significant archeological resources. Based upon consultant review, no such items have been found on site. During the construction process protective measures will be undertaken to preserve any such resources.

IV. *The proposed alteration is consistent with the findings required by the City Code.*

1. The proposed alteration is compatible with, and will maintain the significance and integrity of contributing properties in the District based on its designated period of significance.

Between 1981 and 1982, the Historic Preservation Commission (HPC) designated thirty historic sites, which were subsequently approved by the City Council. The Theater was not among those sites originally designated. It was not until the completion of a further designation study in August 2002, that the Theater was identified as a contributing structure within an expanded historic district.

The revised district boundaries reflect Excelsior’s changing commercial development patterns from the late 19th and early 20th centuries, centering on Water Street and extending east along Second and Third Streets. The district captures the city’s transformation from a lakeside tourist destination to a suburban service center, with a period of significance spanning from the 1870s through approximately 1955.

By preserving over 70 percent of the structure, retaining the height of the Theater, and being intentional about restoration to the original marquee, the rehabilitation maintains the characteristics that defined the Property during its period of significance. The rear volume of the Theater, which is not visible from Water Street, plays no role in defining visual rhythm or pedestrian experience of the district. By addressing structural issues and removing non-contributing additions, the project maintains the integrity and significance of the Property within the district.

2. Revisions to the Theater are consistent with the spirit and intent of the preservation ordinance and will not negatively impact the essential character of the historic district.

Granting the site alteration permit aligns with the intent of Chapter 20 by preserving the essential character of the historic district. The project focuses on restoring the Theater’s historic use and appearance while ensuring safety and accessibility. The proposed changes are designed to enhance the district’s vibrancy without negatively impacting its historic essence, ensuring that the district’s character is respected and preserved.

At the prior HPC meeting, concerns were raised that approving the removal of a significant portion of the structure could establish a precedent for “facadectomies” thereby negatively impacting the essential character of the district. However, this proposal is fundamentally different and is not a “facadectomy.” The removal in question involves 1) non-contributing additions and 2) a limited portion of a deteriorated component of the original building as referenced within the attached structural engineering report. A true “facadectomy” contemplates retaining only the principal face of the building while constructing a completely new internal structure including changes in height, additional floors, and use.

The proposed removal neither diminishes the essential character of the Theater nor compromises its presence within the historic district. The proposed demolition does not remove distinctive materials, features, finishes, or construction techniques relevant to the integrity of the Theater. Instead, it reflects a reasoned, preservation-oriented response that maintains the entire visible massing, street-facing façade, and the historically significant portions of the building, only removing the structurally compromised elements in order to allow constructive reuse.

3. Proposed changes to the Theater do not threaten its role as a contributing structure.

A contributing classification means that a property adds to the historic association and/or architectural importance for which the district is significant. It must have been present during the district’s historic period of significance and must physically retain a majority of the architectural characteristics representing that era. In this case, in addition to the proposed SAP retaining the significant contributing features (like the art deco façade) it notably retains historic integrity. There is no proposal to move the structure, eliminate the physical characteristics that are reflective of the period of significance, and the Mithun team has worked diligently to ensure that the restored site will evoke the sense of time and place of its historic period. Perhaps most importantly the retention of the historic use of the Property as a theater continues to convey its importance as a community gathering place.

4. Proposed changes to the Theater do not threaten the scope of the District.

It is also important to note that the partial demolition of a contributing structure located at the “edge” of a historic district does not compromise the integrity of or protections of the District as a whole. The proposed changes to the Theater and construction of the Project will not alter the boundaries of the District. While the former Pizza Hut building was not a historic structure, the land it occupied remains within the designated District.

5. Partial demolition is required for the rehabilitation of the structure.

The Structural Condition Assessment (SCA) confirms that the broader building meets structural performance thresholds for safety and access, but acknowledges areas of significant structural deterioration. In particular 1) existing soil conditions allow for structural movement which is evident in exterior and interior cracking of the walks and foundation and 2) long term water intrusion creates risk of deterioration within the structural steel decking of the roof.

As described within *NPS Preservation Brief 15: Preservation of Historic Concrete*, the building displays characteristic signs of failure in concrete include cracking and staining. Cracking occurs in most concrete but will vary in depth, width, direction, pattern, and location, and can be either active or dormant. Active cracks as referenced in the SCA can widen, deepen, or migrate

through the concrete, while dormant cracks remain relatively unchanged in size. Some dormant cracks, such as those caused by early age shrinkage of the concrete during curing, are not a structural concern but when left unrepaired- in this case for over 70 years, can provide convenient channels for moisture penetration and subsequent damage.

Structural cracks can be caused by temporary or continued overloads, uneven foundation settling, seismic forces, or original design inadequacies. The SCA shows that structural cracks in this case are likely related to uneven foundation settling and original design constraints. Structural cracks are active if excessive loads are applied to a structure or if settlement is ongoing- and here settlement is ongoing.

The removal of non-historic concrete blocks from a historic structure are permissible under the Standards where the portion removed is determined to be outside the period of significance of the property, lack historic or architectural significance, or are so deteriorated that their integrity cannot be restored. Here not only does the portion of the building in question lack historic and architectural significance, but it is also deteriorated to the extent that its integrity cannot be restored. Removal is consistent with the overall historic character of the structure and the district.

By removing a portion of the rear section of the building, both the foundation work can be completed while also bringing the property into ADA compliance. Water intrusion and foundation settlement can be fully repaired through the SAP proposed here and without destruction of the historic materials, features and spatial relationships that characterize the Theater. The proposed SAP is essential for rehabilitation of the structure and mitigates to the greatest extent possible, impacts on its historic importance.

V. Inordinate Hardship

This application advances a viable rehabilitation plan for the Theater. One that preserves its defining historic signature elements, returns the building to productive use, and meets the Standards when evaluated in totality. The limited removal of deteriorated, non-character-defining materials is essential to returning the building to a state of utility and ensuring long-term preservation of the portions and features that do convey its historic significance. As detailed in the application, the cumulative effect of the proposed work is consistent with the Property's historic character and achieves the central purpose of the rehabilitation standards: facilitating continued use of a historic resource while retaining the qualities that make it eligible.

However, if partial demolition is not permitted especially where the record establishes it is both necessary and appropriate, the only remaining regulatory path for ownership is total demolition under the code's inordinate-hardship provision. That language requires the City to consider whether denial of a SAP effectively deprives the owner of reasonable economic use of the property. The structure as it stands today has no reasonable future. This is not pure conjecture or even a unique experience for this property. Under the code, inordinate hardship focuses on the relationship between (1) the cost of repairing the structure in its current deteriorated condition and (2) its reasonable value after repair.

Ownership has pursued multiple avenues for constructive reuse of the Theater, both as a theater or as a component of a larger project. One path- an associated entertainment venue with a hotel was rejected by policymakers. Hypothetical statements such as "turn it into a brewery" or "it can be fully converted into a restaurant and office space" ignore the structural realities of the building and the market context. Another path often cited is to simply reopen the

theater, while ignoring the needs of the property- like ADA compliance and mold remediation and the economic realities of the underlying business. For decades, as the industry shifted to bigger multiplexes with dozens of screens and intensive effects driven screening experiences independent exhibitors began collapsing. The collapse accelerated with the rise of in-home streaming services, followed by Covid-19. To the point that few independent exhibitors and theaters remain today.

Places like the Tonka Theater are not economically viable. Studies show a structural shift in consumer behavior: a 2020 Statista consumer survey confirmed widespread preference for at-home streaming over in-theater attendance, while the New York Times reported that nearly half of pre-pandemic moviegoers were no longer purchasing tickets at all. The casual moviegoing segment, once essential to the economic sustainability of small theaters, has eroded. Meanwhile, the cost of attendance has increased, concessions prices have become a barrier for families, and outdated facilities have further diminished the perceived value of the theater experience.

These consumer shifts intersect with broader industry disruptions. Labor-related production delays and strikes have tightened release schedules, reducing the number of films available to independent theaters. The dominance of effects-heavy blockbusters has left many patrons seeking alternatives that smaller theaters cannot reliably provide. This combination of decreased demand, fewer available titles, and elevated operating costs has created significant challenges for small, historic theaters nationwide. This is well documented and not unique to this Property.

Against that backdrop, the City's inordinate hardship provision supplies the necessary legal framework should partial demolition be denied. Under the ordinance, the inquiry centers on whether the preservation mandate would deprive the owner of reasonable economic use of the property. The analysis turns on the relationship between the cost of repairing severely deteriorated components and the property's reasonable post-repair value.

This local standard aligns with broader preservation jurisprudence. Courts addressing hardship in historic-preservation contexts distinguish between legitimate standards such as "substantial financial hardship" and the constitutionally impermissible requirement that an owner prove a complete denial of all reasonable use. The question is whether preservation restrictions impose undue financial burdens or render viable economic use unachievable. Judicial decisions evaluate factors including the feasibility of alternative uses, the compatibility of proposed alterations with the landmark's character, and whether the reviewing body rigorously investigated alternatives that would minimize harm. Historic-preservation zoning operates as an overlay on traditional zoning authority, typically constrained by enabling statutes, and must balance owners' rights with the governmental interest in preserving historic resources. This framework demands careful attention to economic impacts and the availability of adaptive reuse options while avoiding unnecessary harm to a historic property.

In this case, insisting on retention of deteriorated, non-character-defining components that cannot be feasibly rehabilitated would make it impossible to return the theater to safe, functional, code-compliant use. Under such circumstances, the ordinance contemplates evidence demonstrating that rehabilitation is impractical and that reasonable economic use cannot be achieved, including feasibility analyses, cost/value comparisons, adaptive-reuse scenarios, and attempts to sell, rent, or lease the property. As previously presented to staff, advisory boards and the City Council- all of these factors exist and are well documented.

The ownership group is expressly seeking to avoid total demolition of the structure. By proposing a narrow, preservation-consistent partial demolition as part of an overall rehabilitation that satisfies the Standards, the SAP preserves the building's historic character, returns it to productive use, and avoids the need to invoke the hardship framework that could otherwise trigger consideration of full demolition under the City's own code.

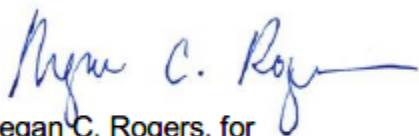
VI. Conclusion

Under federal regulations, "rehabilitation" refers to returning a building to a state of utility through repair or alteration, enabling efficient use while preserving significant historic, architectural, and cultural features. 36 C.F.R. § 67.2(b).

The proposed work aligns with this definition, involving alterations only as needed to ensure the building is safe, usable, and code-compliant, maintaining its historic role as a community gathering place. Alterations are limited to non-character-defining, structurally compromised, or heavily modified areas lacking integrity. These changes address structural deterioration, foundation settlement, roof failures, and non-compliant egress conditions documented in the SCA.

We respectfully request approval of the Site Alteration Permit for the partial demolition and rehabilitation of the Tonka Theater. The proposal preserves over 70% of the structure, ensuring the theater's historic materials, features, and character are retained and sensitively treated. The project complies with the Excelsior City Code, integrating compliance measures into its scope, sequencing, and construction methodologies. It balances preservation with revitalization, maintaining the theater's historic character while introducing new uses on the adjacent parcel for long-term viability. We appreciate your consideration and look forward to collaborating with the City to finalize any necessary conditions for this historically respectful and code-compliant rehabilitation.

Sincerely,



Megan C. Rogers, for
Larkin Hoffman

Direct Dial: (952) 896-3395

Direct Fax: (952) 842-1847

Email: mrogers@larkinhoffman.com

City of Excelsior
Julia Mullin, Community Development Director
350 Highway 7
Suite 230
Excelsior, MN

Re: Site Alteration Permit for Tonka Theater

History and Period of Significance

The Tonka Theater was constructed in 1940 by the Streater Lumber Company of Spring Park, MN at a cost of \$30,000. The 500-seat theater opened on April 26, 1940, operated by Lyle Carisch and Raymond Lee of the Wayzata Theater Company. The east portion of the building facing Water Street was a two-story mass with a semi-circular canopy with a marquee. The façade above the canopy had a gentle recessed curve that was fluted. Behind (to the west) of the two-story mass, there was one story mass with a barrel vault roof which contained the theater.

In January of 1945 the theater suffered a severe fire. Despite material rationing due to World War II, the War Production Board granted the project clearances to rebuild. The reconstruction was designed by Liebenberg & Kaplan Architects and Engineers. According to the Excelsior-Lake Minnetonka Historical Society, "the reconstruction salvaged much of the original building, but the new building was described in the local paper as "strictly modern and fireproof. Nautical murals of steamboats and docks were added to the auditorium as well.""

The name of the theater was changed to the Excelsior Theater in the 1960s, and there were some renovations during this time, but the full extent of those renovations are unknown. In the years between 1972 and 1974, many modifications were made to the historic theater, most of which are still currently in place. The curved canopy was removed and replaced with the flat band marquee that exists today. The rough-hewn wood siding that exists today was also added at this time. The upper level balcony was extended and enclosed to create the second theater space. The name was changed again, this time to Dock Cinema.

In 1989 an addition was added along the south side of the building, which accommodates a theater that seats approximately 225.

The "Period of Significance" for the Excelsior Commercial Historic District is 1886-1955. Features, materials, and spaces built outside of the period of significance are non-historic. For the Tonka Theater these include:

- 1989 Addition
- Storefronts and doors
- Flat Band Marquee

- Rough wood facing exterior
- Rough wood trim and wall facing in interior
- Upper level modified, extended, and enclosed balcony
- Acoustic materials and fabrics on walls in original theater and balcony
- Audience seats in original theater and upper balcony
- Restrooms
- Acoustic tile ceiling in lobby

Our rehabilitation of the Tonka Theater would restore elements from the period of significance and create a more authentically contributing building to the Excelsior Commercial Historic District.

Reasonable Economic Use of the Property

The Dock Cinema operated successfully through the 2000's and began to face financial challenges the following decade as the industry shifted to bigger multiplexes with 10+ auditoriums. The advent of in-home streaming services posed another challenge for the industry, followed by COVID-19, which was the death knell for many exhibitors. The Dock attempted to open its doors after the pandemic, but the financial hurdle was insurmountable. When the cinema was occupiable it could not cover its own operating costs on an annual basis. Rehabilitation of the building for that primary use does not create reasonable economic use of the property, is impractical, and nonviable. Adaptive reuse of a functionally obsolescent, purpose-built building comes with substantial costs and does not create reasonable value for those costs.

Over the last six years as the doors were temporarily and then permanently closed, we have been working through concepts to remodel and reopen the space. After a few iterations, one concept that was deeply explored was to continue showing movies in the 1989 theater while using historic tax credits to restore the original auditorium as a restaurant and event space. Ultimately, the prohibitive design constraints of historic tax credits for adaptive reuse of a functionally obsolescent, purpose-built building and the numbers did not work.

When we purchased the 10 Water St. land next door, the plan was refined giving us the best chances for restoration and reuse becoming part of an overall project. The hotel concept that we presented to the City of Excelsior was denied. All of the concepts up until that point kept the original building intact, but with the denial of the hotel project, no longer could the full event space be supported. This has led us to where we are today, one final attempt to keep a meaningful portion of the building, restoring the historic front façade, marquee, lobby and revitalizing the historic use.

Thank you for your consideration.

Prepared For



Project

Lake & Water
10 Water St., Excelsior, MN 55331

Phase

Preliminary PUD

Issuance

Preliminary PUD 04.01.2025

...

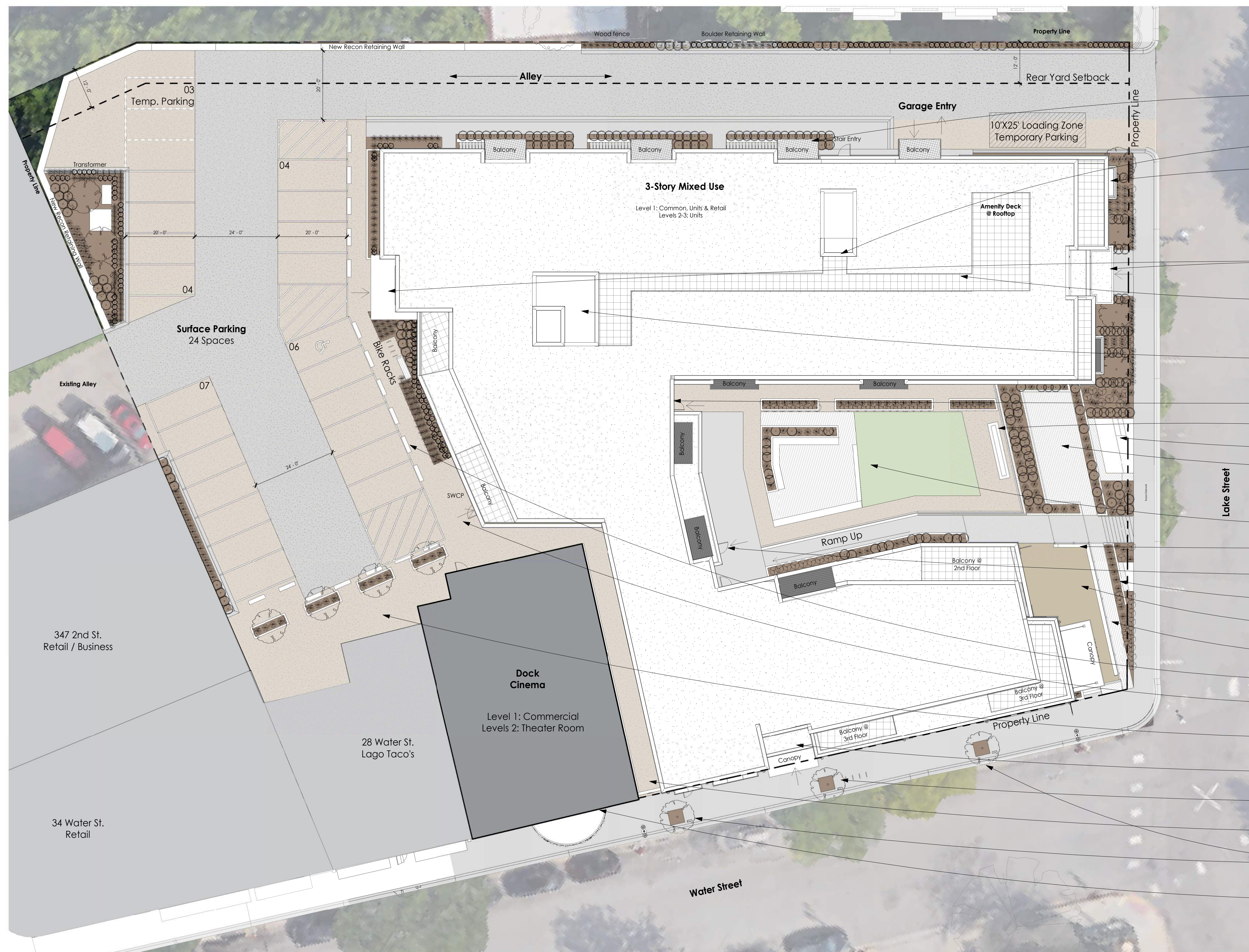
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Revisions

224158A

Architectural Site Plan

A02**1 Architectural Site Plan**

SCALE 1/16" = 1'-0"

1st Floor: Walk up units, Typ.
2nd - 3rd Floor: Balconies, Typ.Stair Shaft & Access
2nd - 3rd Floor: Balconies, Typ.

Apartment Entry

Walkway to Amenity Deck

Elevator Shaft & Access

Apartment Entry

Fire Pit

Public Seating

Public Porch

Amenity Deck w/ fire pit area and grill station

Plaza & Plaza Steps

Apartment Entry

Public Seating

Dining Patio

ADA Ramp

Rock Curb Stops

Retail Corridor Entry

Colored Concrete

Retail Entry

Existing Tree

Pedestrian Connection/ Alley

New Tree

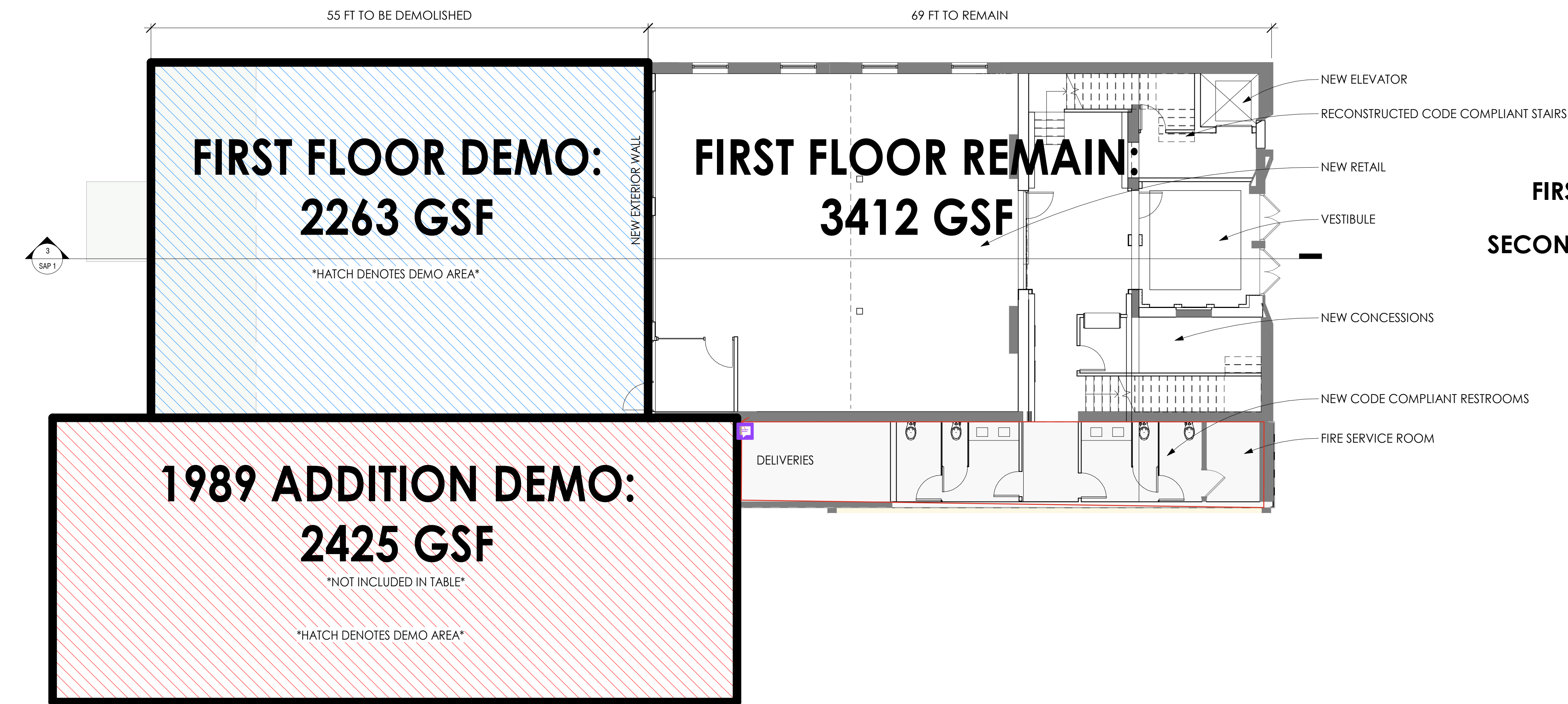
Dock Cinema Renovation
- Facade Restoration
- 1st Floor Commercial Space
- 2nd Floor Theater Room



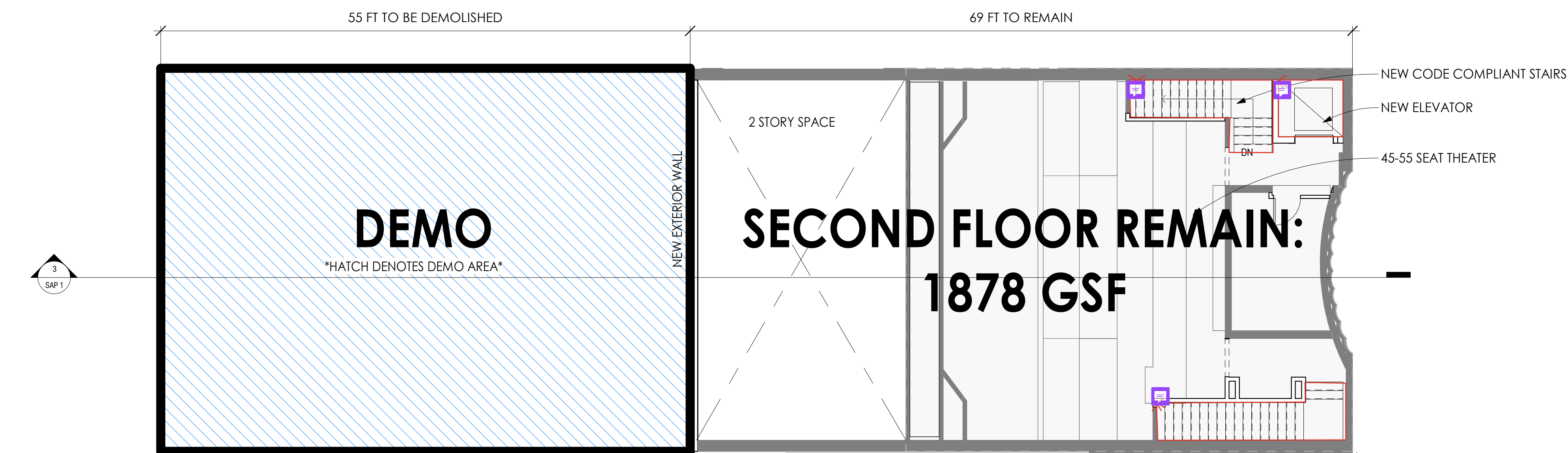
DOCK CINEMA

SITE ALTERATION PERMIT SET

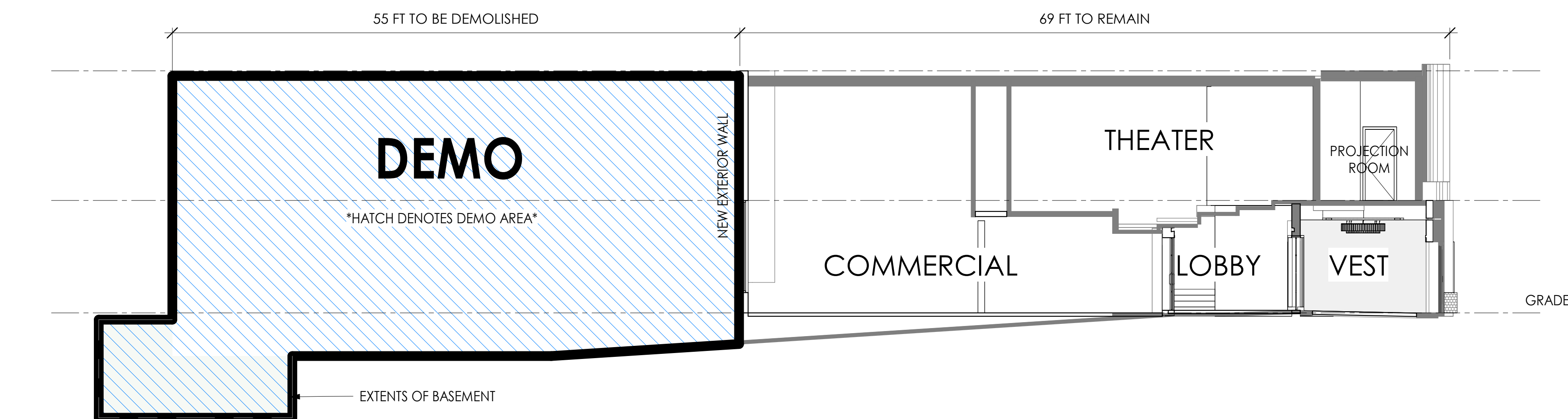




1 DEMO - LEVEL 1 FLOOR PLAN
A3.00 1/8" = 1'-0"



2 DEMO - LEVEL 2 FLOOR PLAN
A3.00 1/8" = 1'-0"

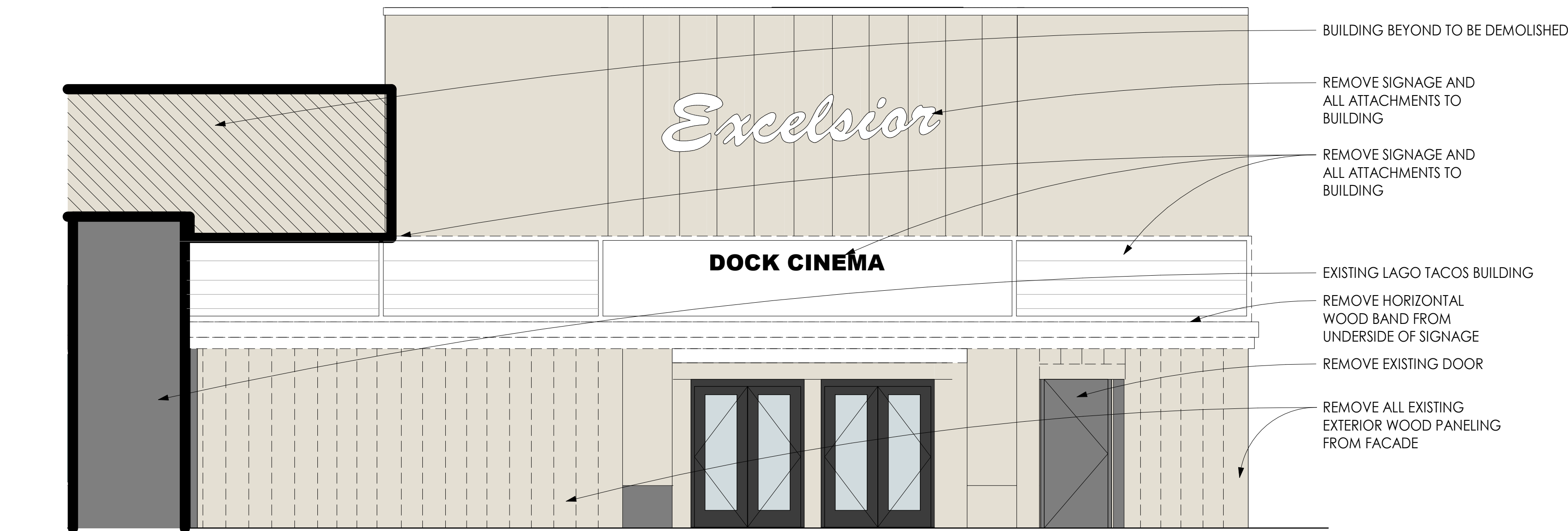


3 DEMO - BUILDING SECTION
A0.02 1/8" = 1'-0"

FIRST FLOOR
SECOND FLOOR
TOTALS

DEMO SUMMARY		
EXIST. AREA	DEMO	PRESERVED AREA
5,675 SF	2,263 SF (32%)	3,412 SF (68%)
1,878 SF	0 SF (0%)	1,878 SF (100%)
7,553 SF	2,263 SF (30%)	5,290 SF (70%)

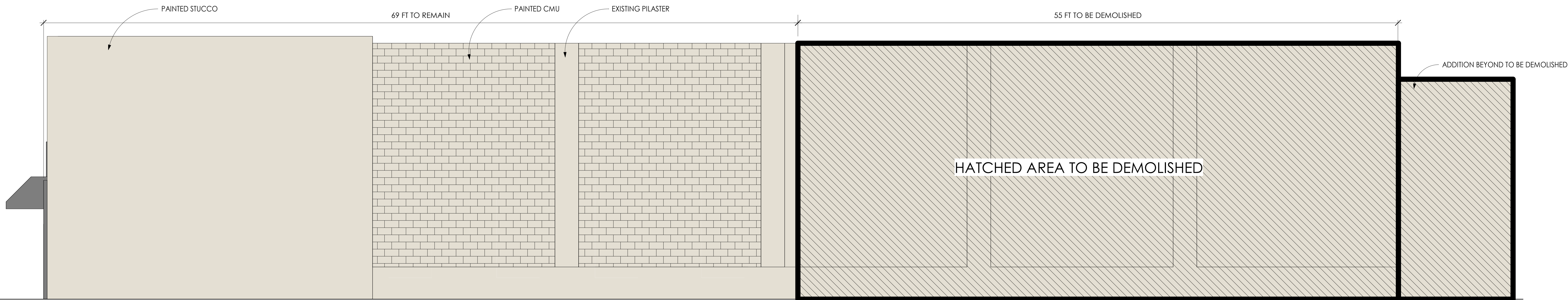
70% OF FLOOR AREA TO REMAIN



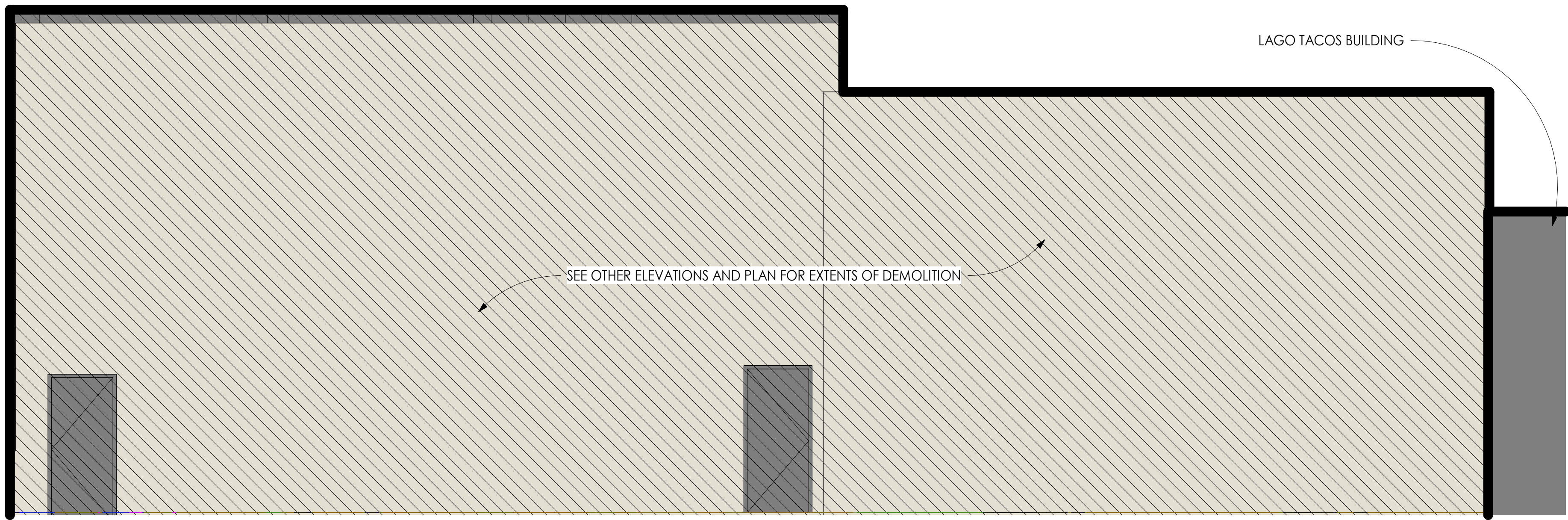
1 EAST - EXISTING (SAP)
SCALE 1/4" = 1'-0"



CINEMA CURRENT CONDITION



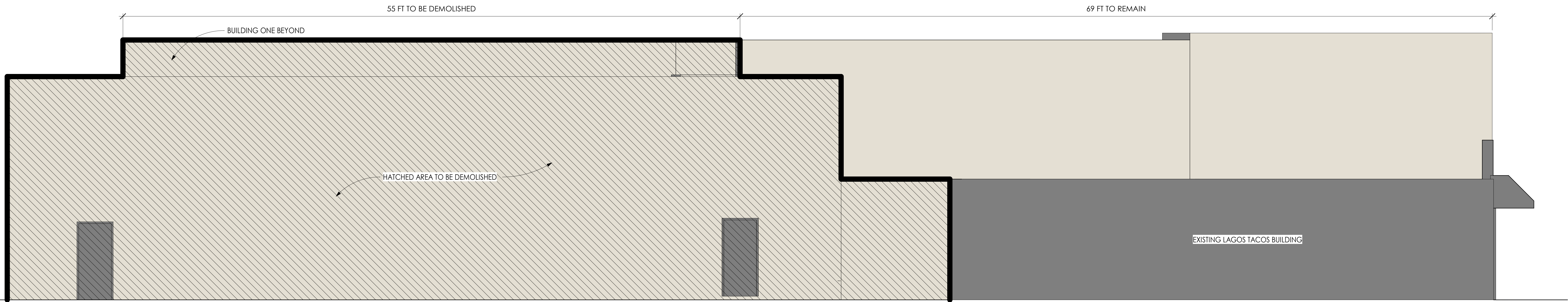
2 NORTH - EXISTING (SAP)
SCALE 1/4" = 1'-0"



1 WEST- EXISTING (SAP)
SCALE 1/4" = 1'-0"

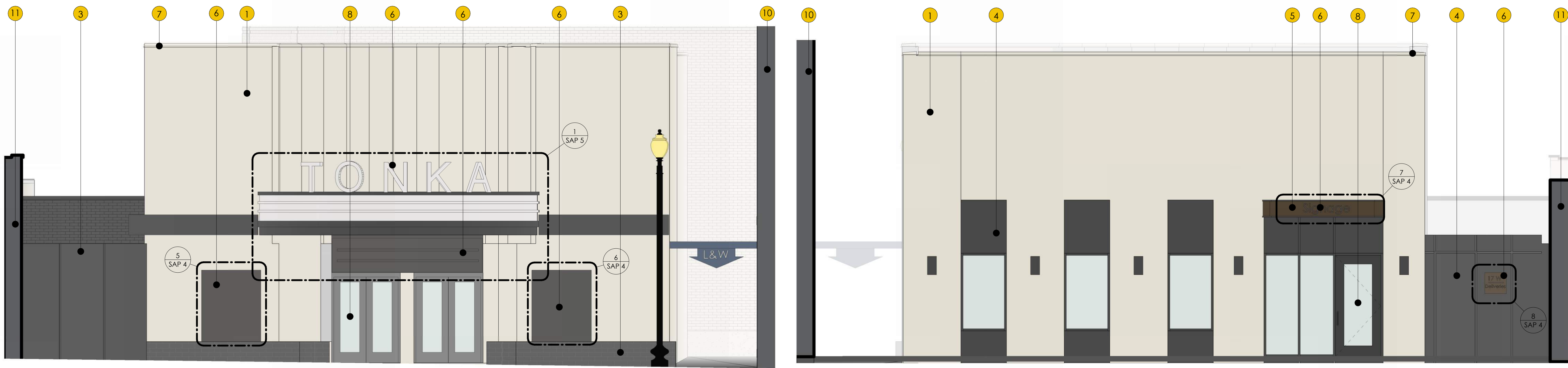


EXISTING CINEMA PHOTOS



2 SOUTH - EXISTING (SAP)
SCALE 1/4" = 1'-0"

PROPOSED NEW



KEYNOTES

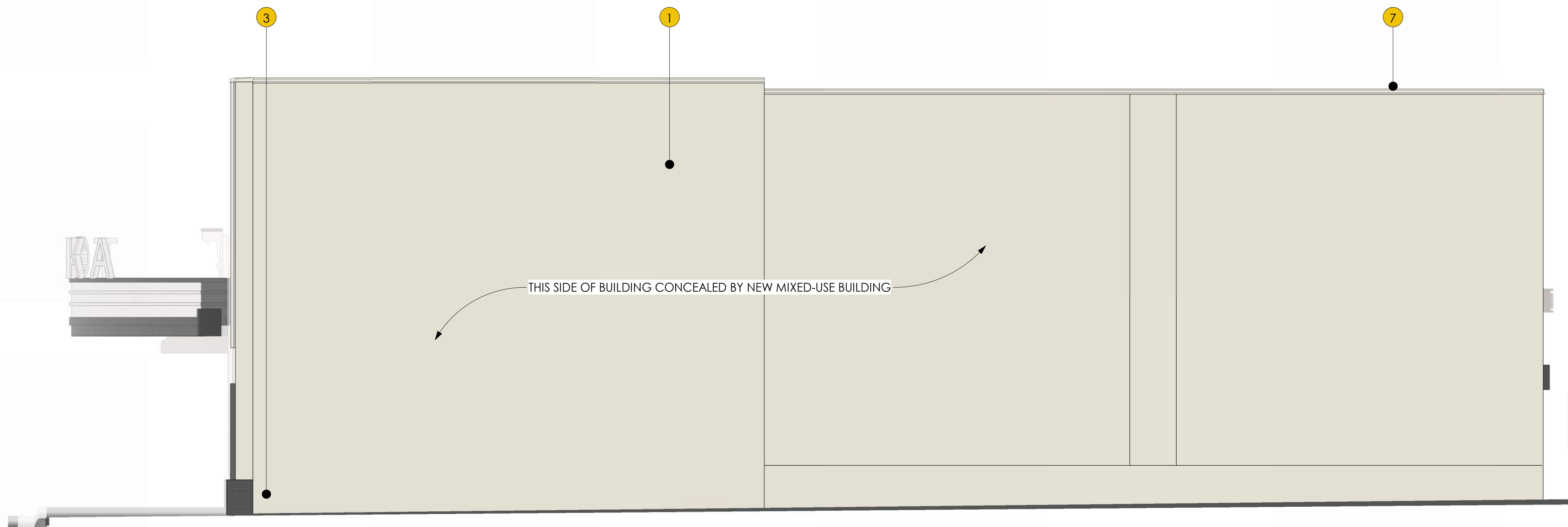
- 1 PAINTED STUCCO
- 2 PAINTED CMU
- 3 BRICK SILL
- 4 ACCENT MATERIAL #1
- 5 ACCENT MATERIAL #2
- 6 SIGNAGE
- 7 PREFINISHED METAL COPING
- 8 DOOR
- 9 WINDOW
- 10 APARTMENT BUILDING
- 11 LAGO TACOS

1 EAST - PROPOSED NEW (SAP)

SCALE 1/4" = 1'-0"

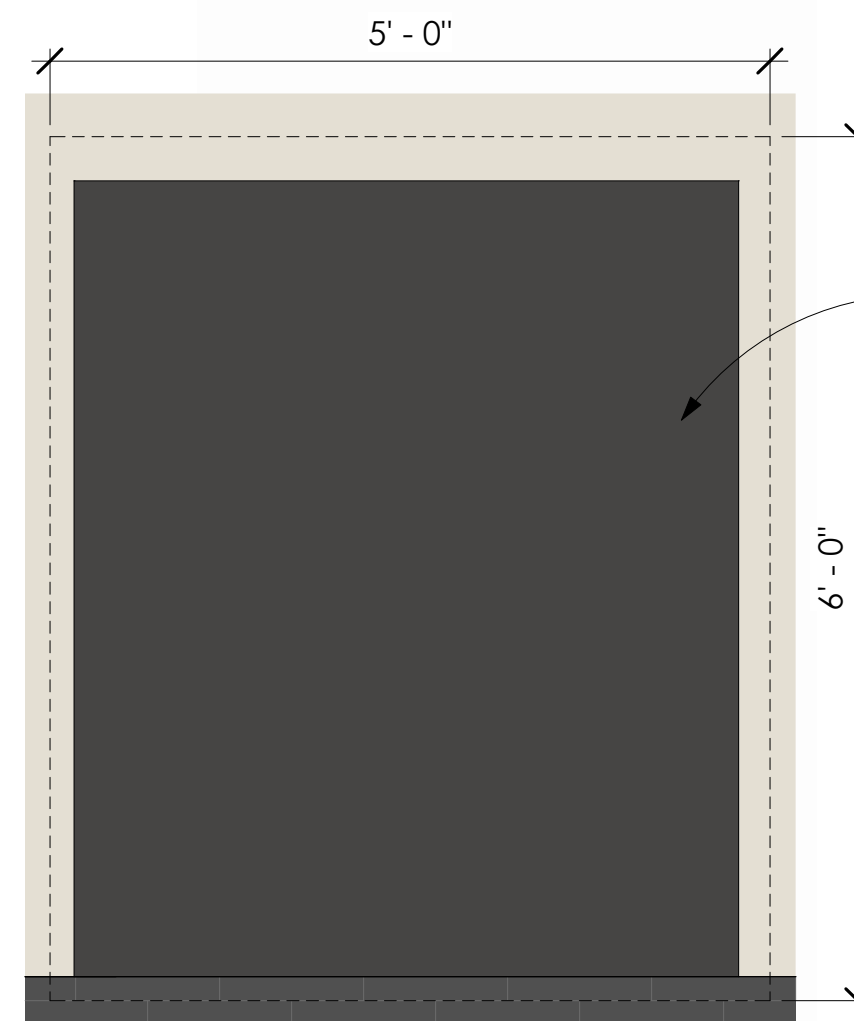
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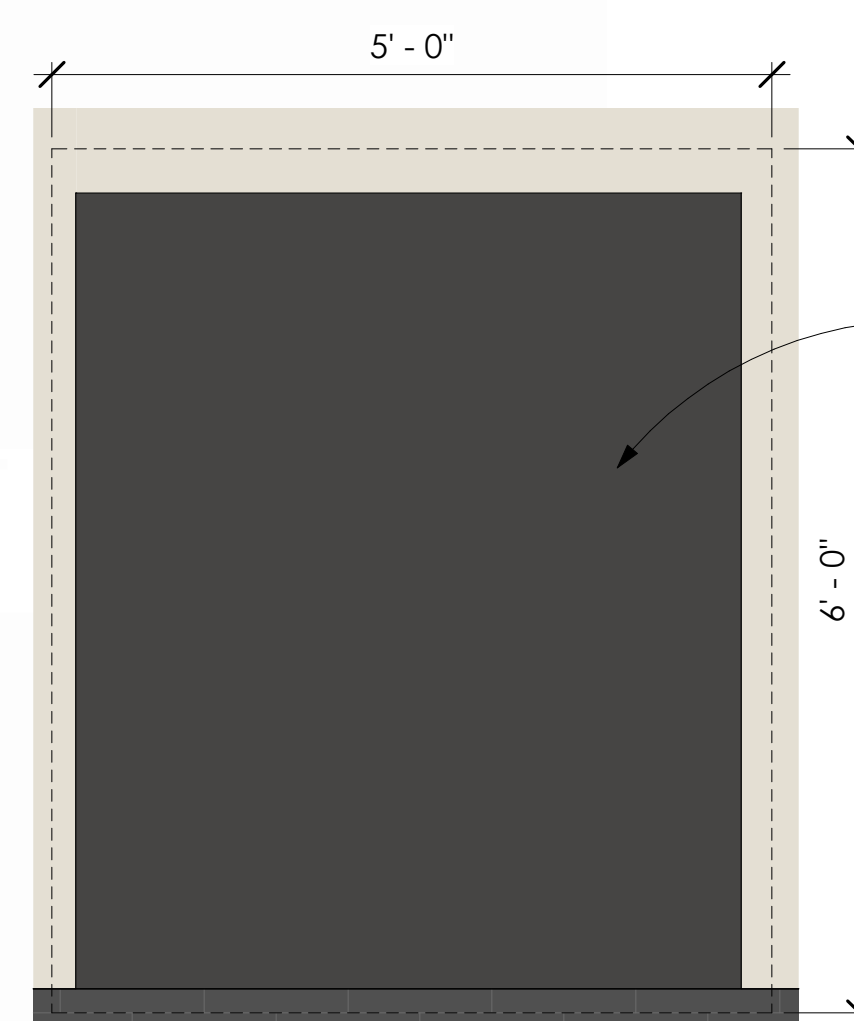
2 NORTH - PROPOSED NEW (SAP)

SCALE 1/4" = 1'-0"



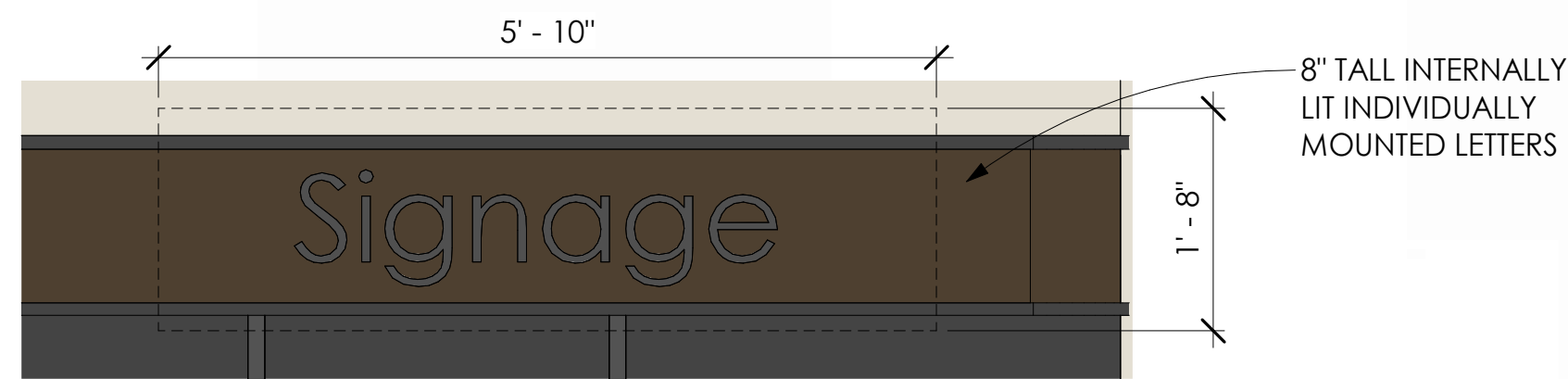
5 SIGNAGE - EAST 2 PROPOSED NEW (SAP)

SCALE 3/4" = 1'-0"



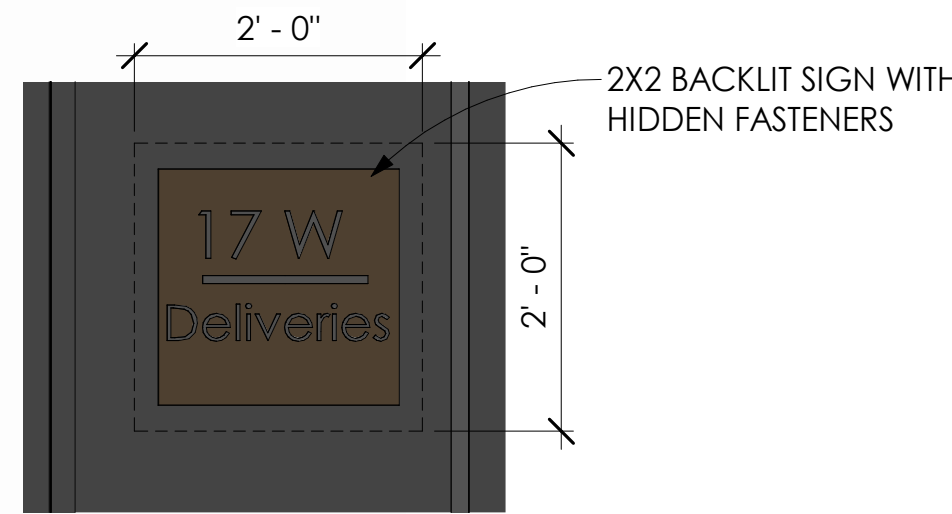
6 SIGNAGE - EAST 3 PROPOSED NEW (SAP)

SCALE 3/4" = 1'-0"



7 SIGNAGE - WEST 1 PROPOSED NEW (SAP)

SCALE 3/4" = 1'-0"



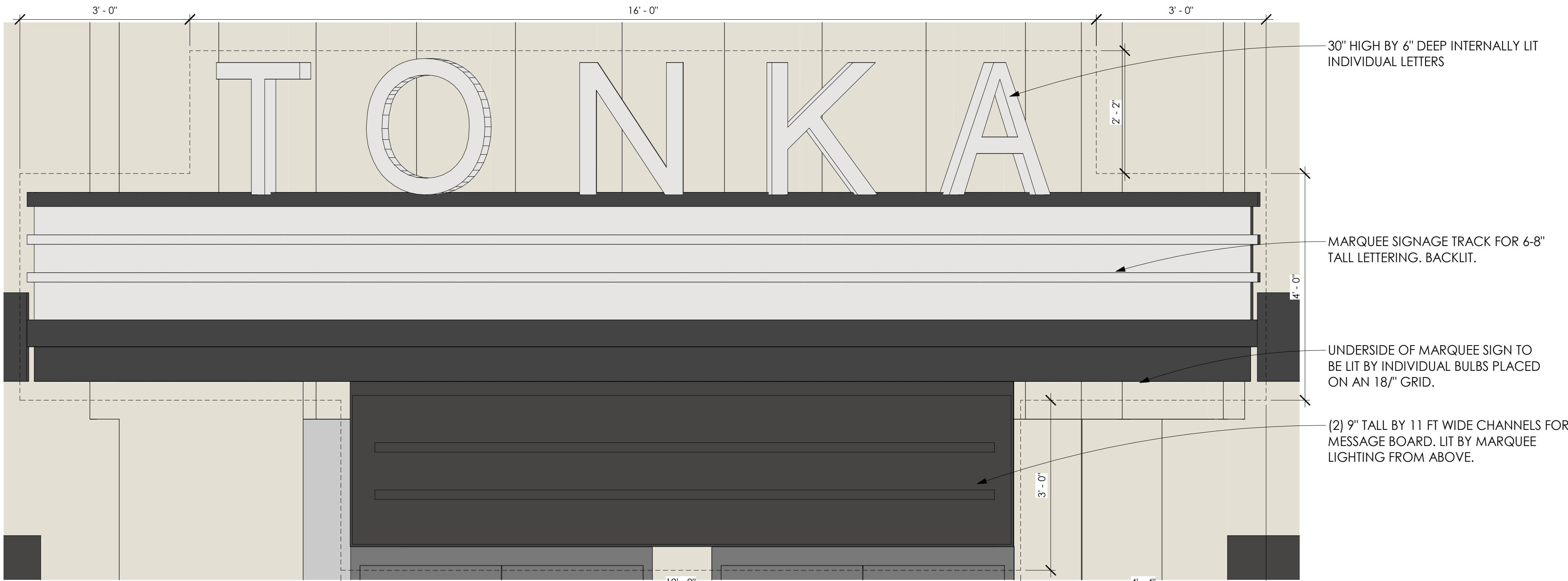
8 SIGNAGE - WEST 2 PROPOSED NEW (SAP)

SCALE 3/4" = 1'-0"



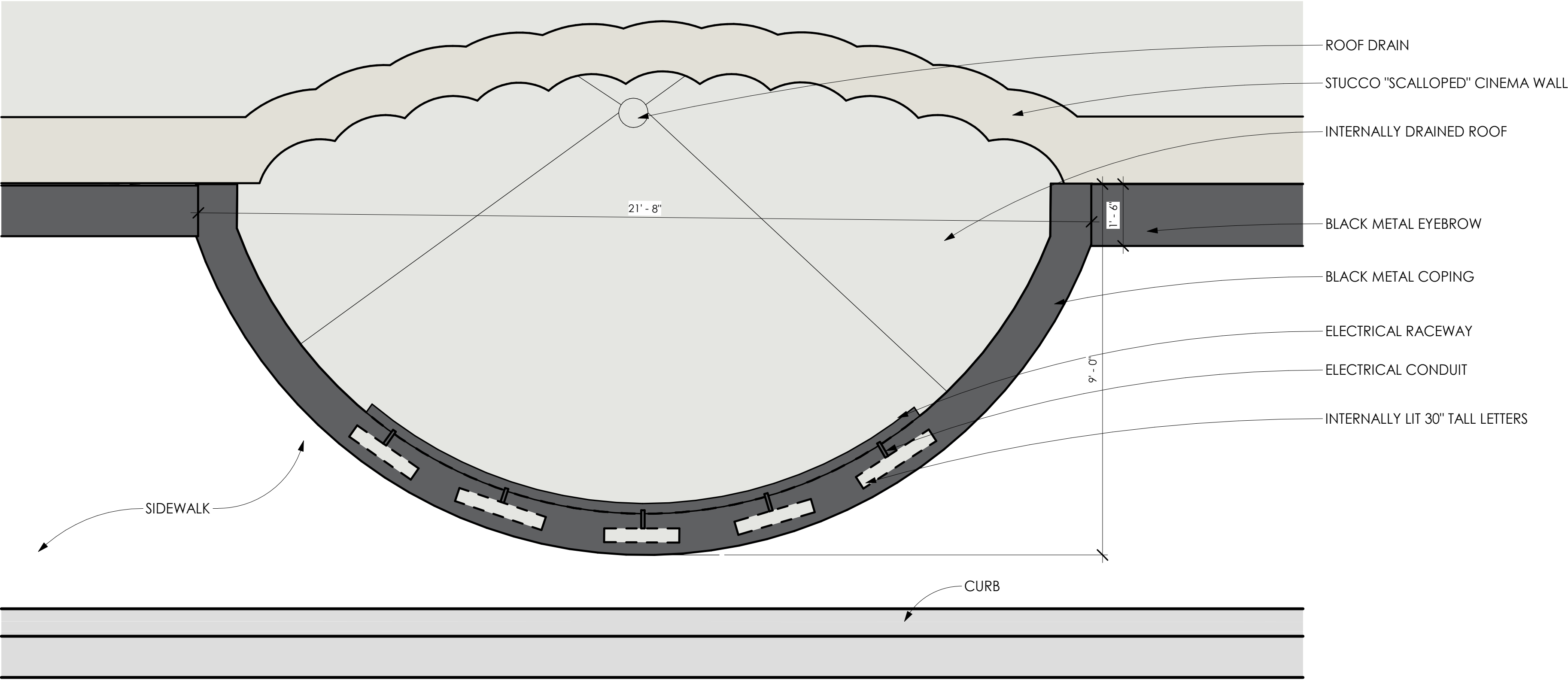
4 SOUTH - PROPOSED NEW (SAP)

SCALE 1/4" = 1'-0"



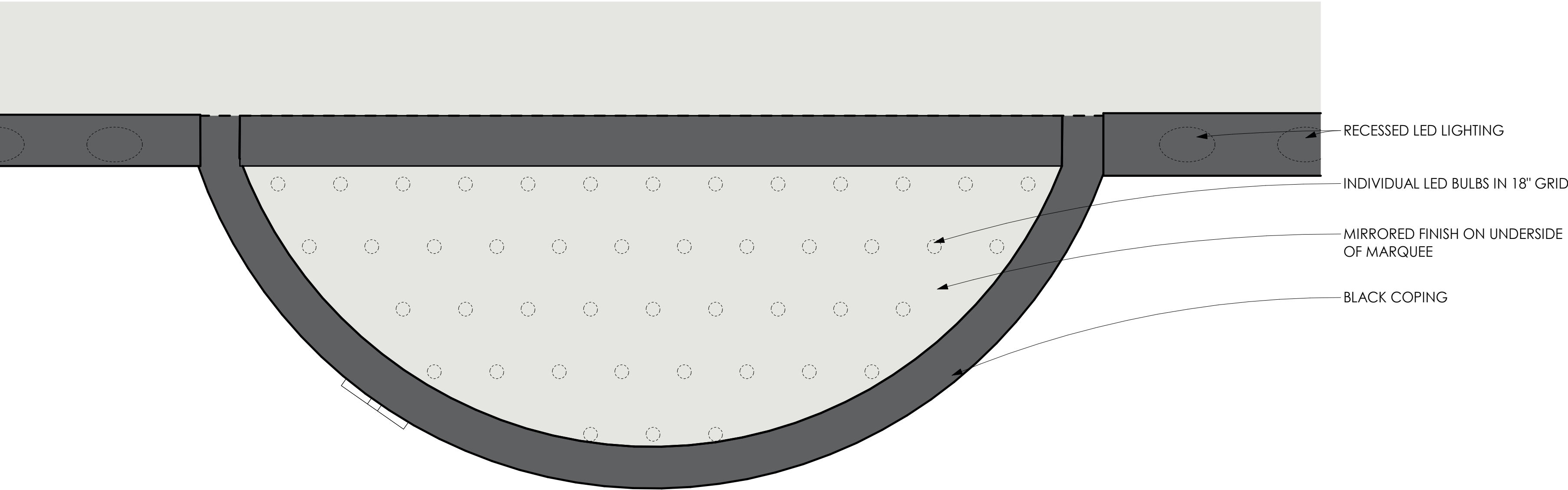
1 SIGNAGE - EAST 1 PROPOSED NEW (SAP)

SCALE 3/4" = 1'-0"



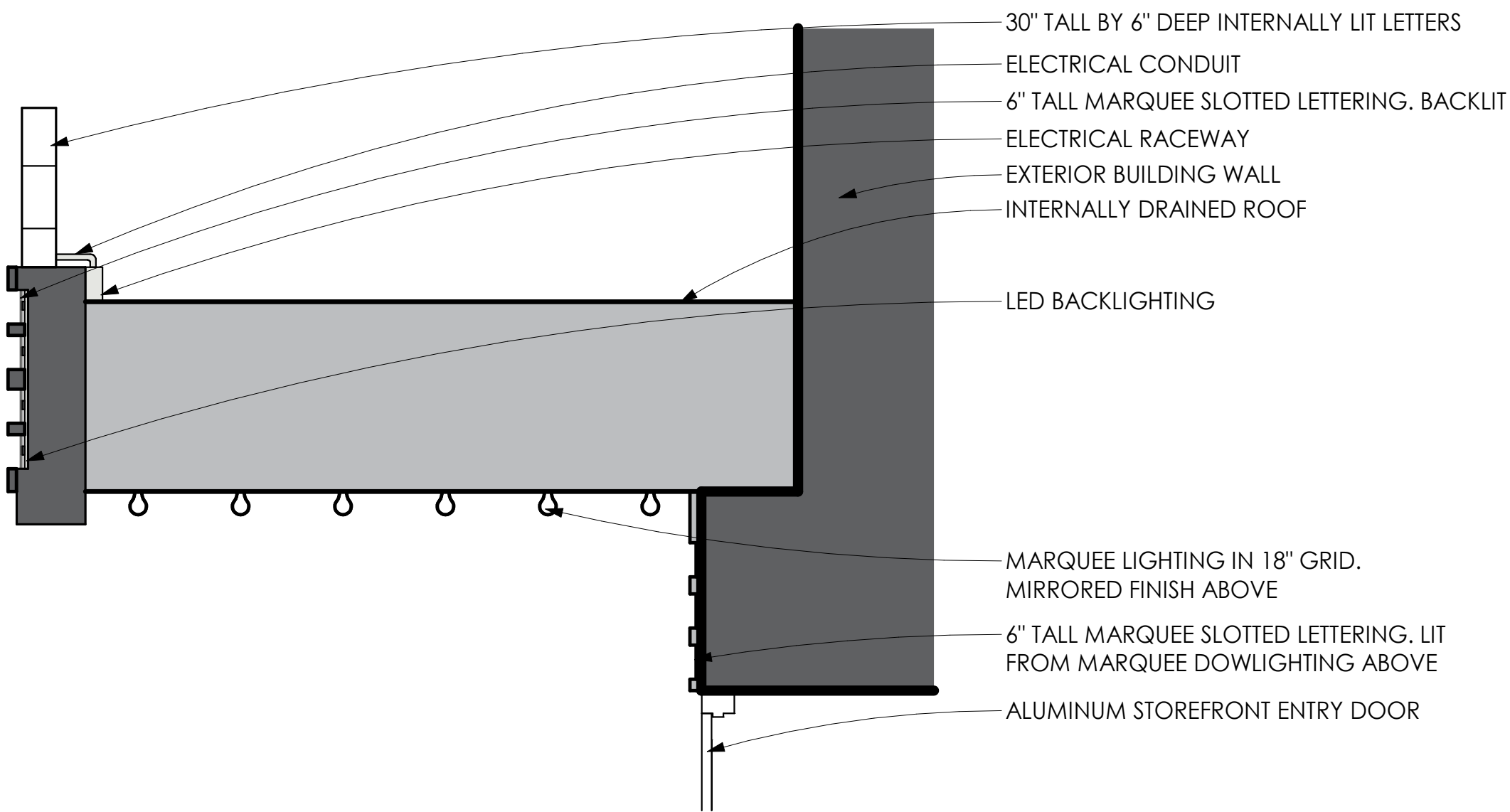
2 SIGNAGE - EAST 1 PROPOSED NEW PLAN (SAP)

SCALE 1/2" = 1'-0"



3 SIGNAGE - EAST 1 PROPOSED NEW RCP (SAP)

SCALE 1/2" = 1'-0"



6 SIGNAGE - SECTION

SCALE 1/2" = 1'-0"



ABOVE: MARQUEE PRECEDENTS



LEFT: SLOTTED LETTER IMAGES



October 20th, 2025

Matt Mithun

Mithun Enterprises Inc

900 Wayzata Blvd East, Suite 130

Wayzata, MN 55391

Excelsior Dock Cinema – Historic Preservation

Dear Mr. Mithun,

Per your request, we have completed an initial analysis of the Excelsior Dock Cinema project to determine the best strategies for mitigating the impact of renovations on this historic property located in Excelsior, Minnesota.

Building Overview:

Originally constructed in 1940 and expanded in 1975, the Excelsior Dock Cinema – located at 26 Water Street in downtown Excelsior, MN – spans 11,102 square feet. This building has long been a historic landmark in the community. Although it briefly reopened in 2022, the theater has remained vacant since March 2020.

Scope of Work:

The current owner, Mithun Enterprises, plans to revitalize the theater into a functional, modern space. This will require extensive renovations, which include the following:

- Contaminated Materials Abatement (Asbestos & Mold)
- Code Compliance Improvements (ADA, Emergency, MEP, Fire Protection, & Energy)
- Structural Repairs, Reconstruction, & Floor Leveling
- Circulation Enhancement
- Roof Replacement
- Façade Repairs & Reconstruction
- Full Interior Renovation

The Remediation and deconstruction phase is expected to take approximately 1 to 2 months, while the build-back and reconstruction phase is projected to take around 4 to 6 months.

Goals & Concerns:

Our primary goal is to preserve the building's historic character and architectural integrity throughout the renovation process. Given the scope of work, heavy equipment will be required, which necessitates meticulous planning and execution to avoid any damage to existing structural elements that will remain.



Means & Methods:

David Kalogerson brings over 20 years of experience in construction management and has led more than 300 commercial construction projects, including several notable historic renovations:

- Malcolm Yards Market (1889)
- Stillwater Armory (1922)
- Keg & Case Market (1937)
- Forgotten Star Brewery (1940)
- Union Depot Restaurant & Bar (1917)

These projects have equipped Mr. Kalogerson with best practices for working with historic structures, such as selective demolition, vibration monitoring, the use of tracked (rather than wheeled) equipment, structural element reuse, and specialty temporary shoring.

One particularly effective method we propose using for this project is Rake Shoring to support the exterior walls during structural modifications. This technique was successfully implemented during the Malcolm Yards Market project, allowing us to preserve a 136-year-old fire-damaged structure.

Please see the photos below for reference:



Malcolm Yards Market – BEFORE Construction



Malcolm Yards Market – BEFORE Construction



Malcolm Yards Market – DURING Construction



Malcolm Yards Market – DURING Construction



Malcolm Yards Market – AFTER Construction



Malcolm Yards Market – AFTER Construction



The Rake Shoring concept enables secure support and preserve the portions of the building that will remain intact, while allowing for a precise saw cut between the areas to be retained and those designated for demolition. Once the building is fully separated – at the roof, exterior walls, floor slab, and strip foundation – major demolition work can proceed without risking damage to the preserved structure. This sequence is essential, as a portion of the building’s rear must be removed to allow access for the large tracked equipment required to complete the interior Scope of Work.

Summary:

We are fully committed to maintaining the historic and architectural significance of the Excelsior Dock Cinema. By utilizing proven best practices and specifically incorporating Rake Shoring during demolition, we are extremely confident in our ability to preserve and protect this important landmark.

I would be happy to personally tour the Malcolm Yards Market with you and its owner to demonstrate firsthand how these methods can be successfully applied to the Excelsior Dock Cinema.

Please let me know if you have any questions.

Thank you!

David Kalogerson

President - K2 Construction

STRUCTURAL CONDITION ASSESSMENT

of the
Dock Cinema
Excelsior, Minnesota

October 27, 2025

MBJ

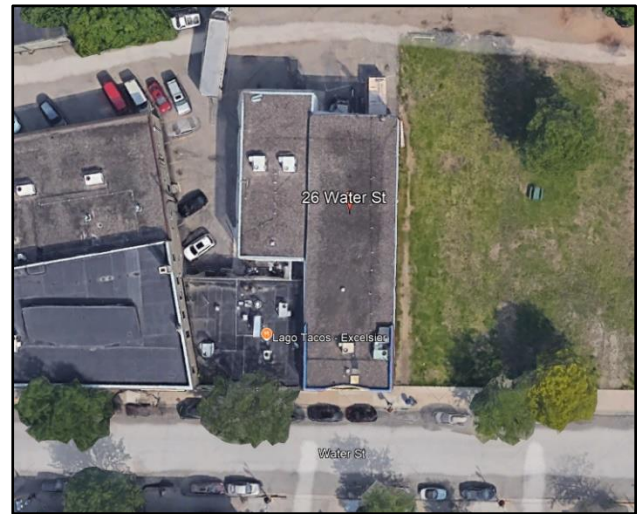
Project Address: 26 Water Street
Excelsior, MN
Date: October 27, 2025

To: Tim Marco, Mark McLane
Marco McLane

Prepared By: Matt Thomas, PE

Meyer Borgman Johnson
801 Nicollet Mall, Suite W2000
Minneapolis, MN 55402

MBJ Comm. No: M25.357.0



Please contact Matt Thomas, PE at 612-338-0713 or mthomas@mbjeng.com if you have questions regarding this report.

EXECUTIVE SUMMARY

A walk-through assessment was conducted on September 29, 2025 to review the overall condition of the downtown Excelsior Dock Cinema facility. The facility is comprised of an original 1940s-era theater building and an adjacent theater addition that was added in 1989.

This report summarizes our findings with respect to the condition and the necessary structural repairs, strengthening, or replacement that we find would be necessary to re-establish the facility as an occupiable and functional building use.

INTRODUCTION

The purpose of this Structural Condition Assessment is to investigate the existing facility located at 26 Water Street in Excelsior to evaluate the conditions of the structural elements and systems. An evaluation of the 1989 theater addition is not included in this report. The scope of investigation included

the visible areas of the basement mechanical area, the main floor and 2nd floor balcony areas, the exterior masonry walls, and interior structural framing were visible or exposed via selective demolition efforts. Findings were limited to areas where structural elements were exposed for observation. Methods of investigation included a review of past documentation, including previous building fit plans and a historic review report by New History dated February 7, 2022.

Visual observations of the exposed structural conditions and limited measurements were taken as needed to develop a basic level of understanding of the condition of the existing structural elements.

This report will provide a summary of our assessment study findings which will include recommendations to retrofit or strengthen, if necessary, damaged or deficient structural elements, photos of these structural elements that can inform the cost determination to be prepared by a general contractor, and recommendations for further testing or investigative work that may be needed based on the observed conditions.

GENERAL DESCRIPTION OF STRUCTURE

The primary theater and associated entry lobby is generally fully covered by finish materials allowing for limited observations of the structural configurations or condition. Areas of limited selective demolition were made to allow for observation of key structural configurations or interfaces.

The primary structural system for the building consists of a steel joist and steel beam roof system supporting a steel metal deck at the two-story high theater volume. A cast-in-place concrete structure (slabs, beams, walls) is used for the two-level lobby and 2nd floor balcony/theater space. When the 2nd floor balcony was converted to an upper level theater, dimensional lumber wood framing and concrete masonry was used for new wall and floor framing. Wood framed overframing appears to have been used above the original concrete balcony framing. A majority of the building's exterior walls are masonry and brick construction with a cementitious/stucco coating.

OBSERVATIONS

Main floor

Observations at the main floor (theater and lobby) include:

1. Water intrusion was noted at a portion of the lobby area at about the midlength of the building. Deteriorated ceiling tiles and extensive wetness and molding conditions were noted on the fixed seats and carpet at extensive areas.
 - a. Recommendation: Repair compromised roof area. Refer to recommendations by others for mitigation of moisture-impacted finishes.
2. The slab-on-grade slopes down to the main theater screen/stage area. The egress access at the alley end of the building appears to be quite steep and not compliant with ADA requirements

for slope and width. Although not a structural performance issue, extensive modification to the structural framing would be required to mitigate this condition.

- a. Recommendation: Amend both egress ways by demolishing and reconstructing the structural concrete framing over the mechanical basement area at the 'north' end of the building. Some reconfiguration of the basement mechanical may be necessary to allow for this reconstruction and for clearance for proper egress. See Figures 1 and 2.



Figure 1: Narrow and steep concrete slab at egress



Figure 2: Concrete construction at steep egress ramp

2nd Floor

Observations at the 2nd floor balcony and projection room include:

1. The concrete construction of the 2nd floor and the roof slab over the 2nd floor appeared to be in good condition. No structural issues were identified in the limited observations of the exposed structure. It was noted that the roof slab opening for access to the roof hatch is not compliant with several requirements related to safe worker access.
 - a. Recommendation: If renovations proceed for the building, we recommend that modifications to the existing roof hatch location or protective equipment for fall prevention and protection be considered.

Roof

Observations of the roof structure include:

1. As noted previously, it was observed that there is an active roof leak that is allowing moisture to enter the main theater space. Where we were able to observe the roof structure through openings made in the ceiling finishes, the steel roof joists bottom chord rods (deformed 'rebar' rods) have very minimal protective coating and have areas of surface corrosion. The steel roof deck also has spotty evidence of corrosion. The steel beams appear to have a more intact primer or coating protection. Exposure to moisture accelerates existing or previous corrosion effects.

- a. Recommendation: Where the roof is experiencing water intrusion, we recommend a plan to address corrosion and deterioration at the adjacent structural steel deck and steel joists. We recommend that an inspection be made of the whole roof area to investigate the extent of structural deterioration that will require structural work. See Figure 3.



Figure 3: Steel roof framing (not at roof leak area)

2. The roof framing appeared to be quite flat with minimal slope. One roof drain on the main roof was noted. Areas of ballast were not well distributed and the membrane may be compromised due to age and lack of ballast coverage. Roof elevations and degree of slope were not measured.
 - a. Recommendation: Further analysis of the roof structure, slope, and drainage is required. We recommend a budget for new roofing, additional drains, and/or tapered insulation (which may affect the parapet condition) be considered.

Exterior walls

Observations of the exterior and basement walls include:

1. A significant vertical crack was noted at the back wall of the main theater building wall in the stucco exterior. It is expected that the crack extends through the wall and is not just a shrinkage crack in the stucco material. This crack may be related to other cracked conditions at the

northeast portion of the building. See below of overall recommendations related to foundation conditions and the exterior wall.



Figure 4: Vertical crack at back wall of building

2. There is a small partial basement level housing mechanical equipment at the north end of the building. The access to this level is limited to one narrow door and stairway. The basement is constructed with both cast-in-place concrete and concrete masonry walls. At the east end of the south wall of this basement area, stairstep cracking was noted in the masonry wall indicating settlement of the foundations and east wall of the building has occurred. See Figure 5. Refer also to recommendations below of comments regarding foundation conditions at the east wall.



Figure 5: Basement wall cracking adjacent to east wall (looking south)

3. At the 'east' (lake side) exterior wall facing the empty lot additional stair step cracking was noted at about the 1/3 point location (from the back wall). The cracking projected through the exterior stucco finish and appeared to correspond to a concrete block module (8-in high and wide step increments). See Figure 6.



Figure 6: Cracking at east (lakeside) wall

4. The three incidents of wall cracking at the back wall, basement CMU, and exterior east wall indicate that there has been some settlement of the foundation condition at the 'northeast' portion of the building. Although significant structural distress has not yet been noted, there is potential for additional differential structural movement. Additionally, a review of the soil borings acquired in 2005 by Bruan Intertec and reproduced in AET's geotechnical report dated August 11, 2023 shows that there is a layer of organic clay material immediately adjacent to the Dock Cinema building east wall. This location of this weaker soil layer coincides with the stair step cracking in the east wall and may indicate a generally softer soil condition at this northeast area of the building.
 - a. Recommendations:
 - i. Further investigation of the soil conditions at the northeast portion of the building is warranted to understand the performance expectations of the building for long-term behavior as well as the risks associated of maintaining the integrity of the Dock Cinema building when adjacent construction would occur.
 - ii. To prevent further movement of the building foundations and to preclude settlement movement during adjacent construction several foundation stabilization techniques exist, including: traditional underpinning, micropile or helical pier foundations, or jet-grouting. Based on the clayey material conditions, soil stabilization methods such as permeation grouting would not be successful.
 - iii. With its relatively rigid exterior wall materials (CMU, brick, and stucco) we recommend that precautions be taken during any adjacent construction to control vibrations through selective methods to minimize the potential for further settlement related cracking. The back portion of the building appears to be most sensitive to this potential settlement risk.

CONCLUSIONS

In general, the original building structure has shown acceptable structural performance, but areas of potential structural deterioration and observed structural settlement have been noted. Accessibility and mold/fungal issues have also been identified and should be remedied in accordance with recommendations by others. Structural work advised includes investigation and mitigation, as needed, of roof sloping and drainage issues, and settlement risk related to foundation strengthening and support.

A key area that will require structural investigation and likely retrofit work is the roof structure deterioration due to the failed roofing condition. Additionally, settlements where cracking of the CMU walls was noted in the back portion of the building, where ongoing and progressive settlements are possible due to clayey soils, should be investigated and mitigated to prevent further damage.



LIMITATIONS

The professional engineering opinions and recommendations contained in this report exclusively concern structural elements, based on visual observation of accessible areas as defined by the limits of the scope of investigation and documents available to us at the time of this report. This assessment does not constitute a warranty or guarantee of performance, including future or latent conditions of the structure, nor does it provide verification of original structural design capacity, occupancy loading requirements or other code compliance, or compliance with existing documents, except where explicitly noted.

We appreciate the opportunity to prepare this report for your use. If you have any questions, please do not hesitate to contact us.

Sincerely,

MEYER BORGMAN JOHNSON

A handwritten signature in black ink that reads 'Matt Thomas' in a cursive script.

Matt Thomas, PE



October 23, 2025

Mr. Tim Marco
Marco McLane Development
tim@marcomclane.com

RE: PRELIMINARY ENVIRONMENTAL ASSESSMENT

Dock Cinema
10 Water Street
Excelsior, MN 55331
JAVELIN Project #2025-P0238-0210

Dear Mr. Marco,

The Javelin Group, Inc. (JAVELIN) has completed a Preliminary Environmental Assessment of the subject property known as the Dock Cinema Redevelopment site located at 10 Water Street in the city of Excelsior, MN. The Dock Cinema facility is a former movie theatre that originally opened in the 1940s and was closed permanently in 2022. The theatre has two movie screens, the main theater is located on the main floor while the smaller 2nd theater is located within the former balcony.

PURPOSE

The purpose of the Preliminary Environmental Assessment was to conduct a walk-through of the Dock Cinema facility to observe site conditions regarding the presence of suspect asbestos-containing materials, lead-based paint, and mold and to provide information regarding future renovation and/or demolition activities associated with the structure.

SITE OBSERVATIONS

JAVELIN conducted a visual inspection of the building for the presence of asbestos-containing materials (ACMs), lead-based paint and mold on October 10, 2025. JAVELIN representative and Minnesota Department of Health (MDH) licensed asbestos inspector and lead risk assessor, John Findley (MDH Licenses #ASB-671 & Lead-40) conducted the visual inspection.

The building has remained vacant since 2022 and exhibits signs of significant water damage from leaking roofs. The inspection was limited due to lack of sufficient lighting to observe all details of the building.

Suspect Asbestos-Containing Materials

Asbestos-containing materials (ACMs) are often present in old movie theaters constructed before the 1980s. It was used extensively for its fire-retardant, soundproofing, and insulating properties. While its use has been restricted for decades, ACM remains a hazard if disturbed during demolition or renovation. Suspect ACMs observed during the walk-through included the following:

- **Floor Tiles & Mastic** – JAVELIN observed suspect ACM 12”x12” floor tiles & mastic in the lobby area and the main floor theater. The floor tiles were observed in good to poor condition. Additional floor tiles/mastic may be present under carpeting.

- **Ceiling Tiles** – Suspect ACM ceiling tiles were observed in the main floor lobby area. These materials were in damaged condition.
- **Wall Tiles & Adhesive Pucks** - Suspect ACM wall tiles & adhesive pucks were observed in the main floor lobby area and the projection room. These materials were in damaged condition.
- **HVAC Vibration Dampener Material** – Suspect ACM HVAC dampener material was observed on HVAC duct work throughout the building. The material was observed in good to damaged condition.
- **Plaster Walls** – Suspect ACM plaster walls were observed throughout the facility. The walls were damaged in several locations. Asbestos-containing plaster was used in buildings where fire risk is high such as theaters and boiler areas.
- **Wallboard** - Suspect ACM wallboard was observed in the lobby and projection room. The walls were damaged in several locations. In older theatres, a wall often lined with asbestos cement board separated the projection room from the main auditorium as a fire safety measure. The intense heat of old projectors made film reels a significant fire risk.
- **Safety Curtains:** The iconic, heavy front curtains used in theaters from the 1940s to the 1980s were often made with asbestos to prevent fire from spreading from the stage to the audience.
- **Insulation:** Asbestos was used for sound and thermal insulation in walls, ceilings, and ductwork, especially in enclosed spaces with poor ventilation. Spray-on coatings were often applied to ceilings and beams for fireproofing and acoustics.
- **Lighting equipment:** Older lighting fixtures and resistance dimmers from the 1950s and 1960s often used asbestos for insulation on cables and to protect users from heat.

Lead-Based Paint

Buildings constructed before 1978 are likely to have lead-based paint, with the risk increasing the older the building is. The U.S. banned lead-based paint for residential use in 1978, but structures built before this date may still contain it, often under newer layers of paint.

Painted surfaces within the theatre building should be assumed to contain lead until a lead inspection is conducted. Painted surfaces were observed in generally poor water-damaged condition.

Renovation Activities - Commercial buildings undergoing renovation must comply with regulations regarding lead-based paint, particularly those built before 1978. While the regulations are most stringent for child-occupied facilities, including day cares, preschools, and schools, all commercial properties must follow federal and state standards for worker safety.

Demolition Activities - For commercial non-residential demolition in Minnesota, the Minnesota Pollution Control Agency (MPCA) generally does not require testing for or removal of lead-based paint before a structure is torn down. The key regulations focus on proper disposal of the demolition debris, which can be sent to a suitable solid waste landfill.

OSHA's Lead in Construction standard (1926.62) applies to all construction work where employees might be exposed to lead, including renovation and demolition activities.

Mold

Significant water-damage of interior building components and furnishings was observed during the walk-through. Significant mold growth was observed on walls, ceilings, carpets, theater seats, theatre curtains, and other surfaces.

Renovation Activities - In Minnesota, neither MDH nor the MPCA have specific regulations for mold during non-residential commercial building renovations. Instead, authorities rely on general guidance, state hazardous waste laws, and federal OSHA worker protection standards. For significant mold contamination, OSHA regulations focus on worker safety that typically require respirator protection, full body suit with head and foot coverings, and containment enclosures.

Demolition Activities - During non-residential commercial building demolition, there are no specific Minnesota Department of Health (MDH) regulations for mold. In addition, the MPCA does not have specific regulations for mold during non-residential commercial building demolition, as it is not considered a regulated hazardous waste.

CONCLUSIONS & RECOMMENDATIONS

JAVELIN observed suspect ACMs, suspect lead paint, and significant mold impacts to the site facility. Recommendations going forward depend on whether the building will be renovated or demolished as outlined below:

Renovation Activities – If the building is renovated the following procedures should be implemented:

- **ACMs** – Prior to commencement of renovation activities, conduct a comprehensive asbestos survey of the building to identify ACMs. Identified ACMs that will be disturbed during renovation activities must be abated by a licensed asbestos abatement contractor in accordance with state and federal regulations.
- **Lead-Based Paint** – For most commercial buildings, the EPA's Renovation, Repair, and Painting (RRP) rule does not apply unless the facility is child-occupied. A child-occupied facility is a building, or portion of a building, built before 1978 where children under the age of six are present for at least six hours a day, two or more days a week. This can include daycare centers, preschools, and kindergarten classrooms, even if they are in a larger commercial building. If the existing building will be a part of the proposed apartment building, then the RRP Rule may apply. The RRP rule has significant requirements for proper removal, containment and disposal of lead paint.

OSHA Regulations still apply to commercial buildings to protect workers during renovation activities where lead paint is present.

- **Mold** – Identified mold-impacted materials should be remediated by contractors with mold remediation experience in accordance with OSHA regulations. OSHA regulations focus on worker safety that typically require respirator protection, full body suit with head and foot coverings, and containment enclosures.

Demolition Activities - If the building is demolished the following procedures should be implemented:

- **ACMs** – Prior to commencement of demolition activities, conduct a comprehensive asbestos survey of the building to identify ACMs. Identified ACMs must be abated by a licensed asbestos abatement contractor in accordance with state and federal regulations.

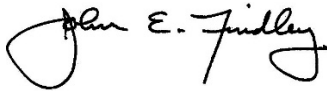
- Lead-Based Paint – There are no specific requirements regarding handling of lead paint during non-residential demolition of structures. The EPA Renovation, Repair and Painting Rule (RRP) does not apply to total demolition of a structure. However, the OSHA standard 1926.62 applies to all construction-related demolition work where employees may be exposed to lead.
- Mold – Mold impacted materials can remain in the building during demolition and demolition waste can be sent to a demolition landfill.

Based on the type of activity planned for the redevelopment; renovation or demolition, specific requirements for ACMs, lead-based paint, and mold may apply. Renovation of the structure will typically be significantly more stringent with regards to lead-based paint and mold remediation and therefore more costly.

If you have any questions, please do not hesitate to contact us at (952) 380-3668.

SINCERELY,

THE JAVELIN GROUP, INC.



JOHN E. FINDLEY, M.S.
SENIOR ENVIRONMENTAL PROFESSIONAL

City of Excelsior
Heritage Preservation Commission
Resolution No. 2025-04

A Resolution Providing Findings of Fact On the Conformity with Approved Design Standards
and Guidelines and Recommendations to the City Council on the PUD Preliminary Plan
Application for a Mixed-use Development and Renovation of the Tonka Theater Building at 10
Water Street

WHEREAS, Matt Mithun, Water & Lake LLC, 950 Wayzata Blvd., Ste. 104, Wayzata, MN 55391 (“Applicant”) has submitted a Planned Unit Development (PUD) Preliminary Plan application for a mixed-use development and renovation of the Tonka Theater Building at 10 Water Street; and

WHEREAS, the Heritage Preservation Commission (“HPC”) considered the application and its conformance with the Preservation Design Manual Guidelines at their meeting on April 29, 2025; and

WHEREAS, the HPC directed staff to prepare recommendations to the City Council based on the HPC’s review of the project.

NOW, THEREFORE, IT IS RESOLVED, that the HPC provides recommendation to the City Council in the form of this resolution.

FINDINGS OF FACT

1. Matt Mithun, Water & Lake LLC, 950 Wayzata Blvd., Ste. 104, Wayzata, MN 55391 (“Applicant”) has submitted to the City a PUD Preliminary Plan application.
2. The applicant proposes a mixed-use development and the renovation of the Tonka Theater building at 10 Water Street.
3. The location of the proposed project is in the Excelsior Downtown Historic District and in the National Register Excelsior Commercial District.
4. Pursuant to Sec. 65-7(b)(4) of the city’s Zoning Ordinance, if the subject property is located within Excelsior’s historic district, then the PUD Preliminary Plan application shall be reviewed by the HPC prior to the Planning Commission’s review of the request. The HPC shall make findings of fact on the project’s conformity with approved design standards and guidelines and forward such findings to the City Council.
5. At the HPC meeting of April 29, 2005, the HPC voted 4-0 to direct staff to draft a resolution with findings and recommendations for the City Council based on the Commission’s review of the proposed project and bring the resolution to the May 27, 2025, meeting for HPC approval. At the HPC meeting of May 27, 2025, there were questions regarding the historic status of the Tonka Theater and potential loss of

designation due to demolition. The resolution was continued to a special meeting of the HPC on June 17, 2025.

ADDITIONAL FINDINGS OF FACT AND RECOMMENDATIONS

1. The Commission prefaces its findings and recommendations with the following: The proposed project sites comprise an important location in the City and in both the Excelsior Downtown Historic District and National Register Excelsior Commercial District. The HPC considers the precedent it sets when it makes recommendations about proposed projects in the district.
2. The height of the proposed building should meet the Preservation Design Guidelines standard for height of new construction in the district: *A new building's height should relate to the average height of existing adjacent structures* (NC.1). The proposed height of the building on Water Street (over 40 feet) exceeds both the average height of adjacent structures in the district and the height of the tallest building in the district and the block in which it is situated. The height of the new construction along Water Street should be no taller than the two-story Tonka Building (Second and Water) (28'-29') or the Dock Cinema building (24.75'). These are the tallest buildings on this side of Water Street, and both are contributing structures in the historic district. A one-story building, Hennessy Building (Lago Tacos) (14.5'), is contributing and adjacent to the historic theater.
3. The proportions of the stories of the front façade on the proposed new building are not compatible with the adjacent historic buildings on the streetscape. Preservation Design Guideline NC.2 states: *Façade proportion of new construction should be compatible in height and width to its adjacent buildings and the streetscape. The Commission recommends that* the height of each story should be reduced to make the building more compatible in scale and proportion with other buildings in the downtown historic district and to reduce the overall building height. In addition, the large mass of the proposed building obscures the small-scale nature of Excelsior's historic district. The historic scale of Water Street is one of the most defining aspects of the district. The historic district is a mix of one and two-story buildings; there are no three-story buildings on Water Street or in the district. Visually, the 3-4 story new building will be highly visible, looming behind and above the historic buildings on the block from much of Water Street. The size, proportions and spacing of the historic buildings is also not continued along the proposed Lake Street elevation, which is highly visible from The Commons, the historic Port of Excelsior, and Lake Minnetonka.

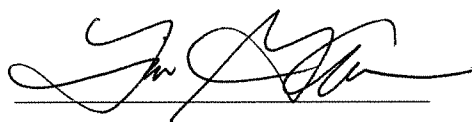
4. There are no balconies on the second level of buildings on Water Street; rather, there are masonry walls with regular patterns of vertical windows with projecting masonry sills. The proposed recessed balconies with glass railings create a non-historic elevation along Water Street. These large square openings are ceiling-to-floor and are not characteristic of historic elevations along Water Street. They do not meet the Preservation Design Guidelines on relationship of solids to voids: *The ratio of window area to solid wall should be similar to neighboring buildings* (NC.8). The Commission recommends an alternative design to the recessed balconies on the upper story on Water Street.
5. The proposed windows and doors do not meet historic guidelines for size and proportion of façade openings. Preservation Design Guidelines state: *The size and proportion of window and door openings should be similar to those on surrounding facades* (NC.7). The windows on the ground floor are tall compared with most openings in the historic district. On the ground floor level, the windows and doors should not be floor to ceiling; a bulkhead is recommended to resemble buildings along Water Street. The Commission also recommends that more verticality should be added to windows in upper stories and should more closely resemble the windows in historic buildings in the district which do not have large square openings. In addition, the Commission recommends that a door should be added to each bay in the proposed building so that it better reflects the pattern of historic storefronts in the district. The doors do not have to be operational today, but they would provide flexibility for future use of the space.
6. The proposal for the rear of the Tonka Theater building calls for a new storefront entrance and display windows in the rear. This is contrary to the standard for rear entries, which should not look like a primary street entrance.. Preservation Design Guidelines state: *Rear entrances on existing buildings shall clearly be secondary entrances and avoid the appearance of a primary façade* (BEA.8).
7. The darker brick color and the architectural detail that have been added since sketch plan review are significant changes that make the building more compatible with those in the downtown historic district. The Commission recommends incorporation of additional ornamentation on the building facade to break up the large windows.
8. The proposed use of fiber cement or concrete panels on the Water Street façade of the proposed building does not conform to the Guidelines for new construction materials “New construction façade should be composed of materials similar to surrounding facades.” (NC.9). These materials are not used on the facades of surrounding buildings in the district.
9. Rooftop decks are not permitted in the downtown historic district unless the deck is located on the rear most part of the building, the upper story or parapet wall screens the

deck from the street, and the deck does not exceed 200 square feet in size (BEA.19). The applicant should submit the locations of mechanical equipment and vents. It is recommended that they be placed on the roof or at rear of building and that they be appropriately screened.

10. A Site Alteration Permit application is required to be reviewed by the HPC for the proposed partial demolition of the historic Tonka Theater building. Information about the existing condition of the theater building is needed in order for the HPC to consider the partial demolition request. The later theater side addition from 1989 that is non-contributing (and not visible from Water Street) is acceptable for demolition. Additional details will need to be provided to the HPC for any proposed exterior alterations to the Tonka Theater building in connection with the proposed renovation.
11. Section 20-12 of the City Code states that “The demolition or relocation of historic resources is deemed detrimental to the public interest ...” It is critical that the downtown historic district designations, both local and national, which the city has earned are not harmed by this project. The HPC has never approved a demolition or partial demolition of a contributing building in the downtown commercial historic district. This decision can be precedent setting for future reviews.
12. The proposed partial demolition of the theater building should be considered in the context of its broader implications for the Downtown Historic District as a whole. The proposed partial demolition of the Tonka Theater building, which is a contributing building in a National Register district, is likely to remove the building from the National Register listing and deem it ineligible for future historic rehabilitation tax credits.

Adopted by the Heritage Preservation Commission of the City of Excelsior, Minnesota, on this 17th day of June 2025.

HERITAGE PRESERVATION COMMISSION



Tim Caron, Chair